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ROYAL COMMISSION

ON

43
PILOTAGE

HEARINGS

HELD AT

MONTREAL

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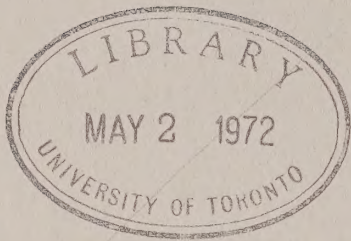
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ROYAL COMMISSION ON MARINE PILOTAGE

Proceedings of the hearing
held in the International
Aviation Building, Montreal,
Quebec, on Thursday, the 16th
day of January, 1964.

COMMISSION :

The Honourable Mr. Justice Bernier -- Chairman
Mr. Robert K. Smith -- Member
Mr. Harold A. Renwick -- Member
Mr. Gilbert Nadeau -- Secretary

COMMISSION COUNSEL:

Mr. Maruice Jacques

PRESENT:

Mr. Leopold Langlois, Q.C. for the Canadian
Merchant Service Guild
Mr. J. Brisset, Q.C. for the Shipping
Federation of Canada
Mr. Marc Lalonde for the Federation of
St. Lawrence River
Pilots; Corporation of
the Lower St. Lawrence
Pilots; the Corporation
of the Montreal Harbour
Pilots; the Corporation
of the Mid-St. Lawrence
Pilots; the Corporation
of the St. Lawrence
River and Seaway Pilots;
the Corporation of the
Upper St. Lawrence
Pilots.



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TORONTO, ONTARIO

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* * * * *



1 FRENCH

2 ---UPON COMMENCING AT 10:00 a.m.

3

4 CROSS-EXAMINATION BY MR. BRISSET CONTINUED:

5 Q. Mr. Bedard I would like to refer you to paragraph
6 378 of the brief of the Federation where it is
7 declared that pilotage dues as compared to the
8 general expense incurred by the ship during the
9 course of a voyage is of a very little amount when
10 compared to the other costs which must be borne,
11 page 153 in the English text, and you give as an
12 example a statement of the loss of revenues of the
13 Great Lakes boats which have been delayed by Trade
14 Union problems as has been witnessed before the
15 Norris Commission.

16 Am I to understand from your evidence that
17 you establish a relationship between the net revenues
18 of the vessel and the pilotage dues?

19 A. No, not necessarily. This was established as a
20 comparison, so to speak. The question had been
21 debated before a Royal Commission by a ship owner
22 himself, and, therefore, since those figures were
23 available, we have used them to make a comparison.

24 Also, because we tried to prove to the
25 Commission that a pilot is capable of saving time,
26 his revenue and tariff.

27 Q. When you mention the net revenue, what do you mean
28 exactly?

29 A. Net revenues such as have been put forward
30 by Mr. Leitch.



1 FRENCH

2 Q. In other words, you do not mean profit, you mean
3 just the income, the revenue of the vessel with the
4 exclusion of loading and unloading expenditure; with
5 the exclusion of the rights to be paid in the Seaway?

6 A. We will have to refer to the Exhibit. I think it is
7 stated in the relevant Exhibit that all the expenses
8 are listed and we can, therefore, deduct the exact
9 cost.

10 Q. Would you like to take a look at Exhibit 481,
11 particularly the first part of it referring to the
12 Gordon C. Leitch vessel and would you like to confirm
13 to me whether what I have just stated was correct?

14 A. What is stated here is the gross income, minus what
15 is called the boarding charges, at least the unload-
16 ing charges. Therefore, it represents a net income
17 per day, or net revenue of \$5,038.30.

18 Q. Thank you. In other words, for the question of time
19 which the pilot may save for the vessel you do not
20 pretend that pilotage dues must be related either
21 to revenues of the vessel or to the building cost
22 or to other similar factors?

23 A. It was not the intention of paragraph 378 to
24 demonstrate what you have just suggested.

25 Q. During your trip to Europe did you go to Norway?

26 A. Yes.

27 Q. You told us that you did not get in touch with the
28 ship owners or the Ship Owners' Association. Am I
29 to understand that you had no contact whatsoever
30 with the ship owners?



1 A. No. We met with representatives of ship owners
2 like in Southampton, for instance, and maybe at one
3 or two other places. Glasgow, for instance.

4 Q. In Norway did you have an opportunity to meet with
5 ship owners?

6 A. No.

7 Q. Do you know that there exists in Norway an Association
8 called the Norwegian Ship Owners' Association?

9 A. I didn't know.

10 Q. Have you had the opportunity of discussing pilotage
11 dues with the Norwegian pilots?

12 A. No.

13 Q. Whom did you see in Norway?

14 A. In Norway I met with the Director of Pilotage, Mr.
15 Gilhquuss-Moe, if my memory serves me right, and the
16 Trade Union Representative Mr. Flatabo. Also a few
17 pilots in the pilotage station.

18 Q. Mr. Bedard about the Norwegian situation I would like
19 to quote to you a copy of a report from the Ship
20 Owners' Federation which was received from the
21 Norwegian Ship Owners' Association, with the permission
22 of the Commission. Later on I may, of course, file
23 this document. This is what is said about the
24 influence of pilotage dues on the Maritime problems:

25 ENGLISH

26 "The trend in recent years, poor markets and
27 increased pilotage dues has resulted in the fact that
28 the pilotage dues had considerable influence on the
29 owner's choice of charter. This fact is especially
30 noticeable in the operation of smaller ships in



1 ENGLISH

2 Norway. There are examples of owners rejecting
3 offers of charter because the pilotage dues makes
4 the charter unprofitable. Some completed voyages
5 of the extensive coasting have resulted in losses
6 because of the high compulsory pilotage dues. It is
7 considered a fact that the high compulsory pilotage
8 dues have made a ship avoid Norwegian coastal waters
9 whenever possible in preference of open ports and
10 make short approaches direct to the ports concerned.
11 The safety that the Norwegian inner waterway offers
12 to the shipping trade is taxed through unreasonably
13 high pilotage dues. This structural change in
14 navigation has resulted in loss of business and
15 profit to the ship suppliers in the east side towns.
16 The pilots are, to a certain extent, aware of this
17 situation and have made approaches to the Government
18 in order to have the pilotage dues reduced but so
19 far without any result."

20 MR. LALONDE: It reminds me of the brief of
21 the Federation of Canada.

22 FRENCH

23 Q. Are you informed that the pilots themselves in
24 Norway have exerted pressure to the Government to
25 ask for the pilotage dues to be reduced?

26 A. The question of pilotage in Norway is a rather
27 complicated one. We have pilots who are Civil
28 Servants. Some pilots are employees of certain
29 companies. They are called "rota pilots" and some of
30 them are free contractors but as to having heard about



1 FRENCH

2 the pressure exerted to have pilotage tariffs
3 reduced, I didn't know about it but I would like here
4 to mention a document which we can supply the
5 Commission that was given to us by Captain Hilton
6 Lowe in Washington. In this document the overall
7 cost of a pilotage was calculated in the Norfolk
8 Harbour. The calculation was made in 1961 and proved
9 that pilotage was 0.2 of 1% of the overall cost in
10 that harbour.

11 MR. LALONDE: I would like to file this
12 document which is a photocopy of the New York Journal
13 of Commerce, 30th of November 1961. The calculation
14 referred to by Mr. Bedard appears in this article,
15 supported by a report published by the Norfolk
16 Port Authorities and the figures mentioned are based
17 on the following factors:

18 ENGLISH

19 The survey also contains a breakdown on the money
20 put into circulation by the turn around of a C 2 cargo
21 ship carrying 7500 tons of cargo in for discharge and
22 the same amount out in exports. None of these
23 figures include the revenues received by the railroads
24 and trucking companies for hauling the cargo beyond
25 the port. Nor do they include the wages paid by the
26 crew of the steamship, a good portion of which stays
27 in the port. Nor insurance on the vessel cargo on
28 piers. Nor many other hard to measure expenditures
29 involved in water borne trade movements."
30



1 FRENCH

2 There is a detailed explanation of all expenses up
3 to about \$100,683.00.

4
5 ---EXHIBIT NO. 902: Extract from the New York Journal of
6 Commerce dated November 30th, 1961.

7 Q. Mr. Bedard since we are dealing with this subject
8 of pilotage in the United States, may I be allowed
9 to put a few questions to you on the matter. You
10 have had, I see, a number of interviews and discussions
11 with Captain Lowe who is president of the Pilots'
12 Association in the United States?

13 A. That is correct.

14 Q. During these discussions did you have an opportunity
15 to put questions to him about coastal shipping in the
16 United States?

17 A. Yes.

18 Q. Are you in a position to tell me whether in fact to-
19 day coastal shipping in the United States, particu-
20 larly along the eastern coast, is more or less
21 declining?

22 A. Yes, it has declined to a great extent as compared
23 to what it was formerly. It is now limited mostly
24 to oil tankers.

25 Q. Was the cause of this decline in coastal shipping
26 disclosed to you?

27 A. No.

28 Q. Because, you know, efforts have been made by ship
29 owners to mechanize, so to speak, their ships, by
30 using, for instance, aluminum containers to have



1 FRENCH

2 less manpower necessary?

3 A. No. We were not explained why coastal shipping had
4 decreased so much. However, I think that one factor
5 might be the canal shipping where they use barges,
6 and tugboats. This is a personal opinion and I have
7 no evidence on the matter.

8 Q. However, would you be prepared to agree with me that
9 one of the principal reasons in this decline of
10 coastal shipping was the too high cost, taking into
11 account the salaries of the crew when unloading and
12 loading, manpower, and the pilotage cost?

13 A. I have no idea. I have not studied the economic
14 problems. I cannot answer this.

15 Q. However, in your experience as a pilot I feel that
16 you must have been on board several very modern
17 ships?

18 A. That is so.

19 Q. Have you noticed in the newly built ships that ship
20 owners try to simplify, or rather try to improve the
21 equipment so as to be able to do without such man-
22 power?

23 A. On certain ships, yes. You mentioned the aluminum
24 containers, for instance. That can, of course,
25 eliminate a number of people when unloading. It can
26 facilitate work when loading. It is a possibility.

27 Q. The modern equipment which is stored nowadays on
28 certain ships in order to accelerate loading and un-
29 loading is so that the ship can do loading and
30 unloading without resorting to local manpower. Is



1 FRENCH

2 that so?

3 A. Yes. More and more people are resorting to automa-
4 tion.

5 Q. That is the word I was looking for for the last
6 four minutes. Do you think that this automation
7 might, within certain limits, end up by replacing
8 the pilot altogether?

9 A. If we talk in terms of centuries to come, this is
10 likely or this is possible. Everybody might be
11 replaced by an electronic genius, for instance, but
12 if we are talking about our own time, I do not think
13 that in years to come the pilot will be replaced by
14 technical devices. Certainly not in the immediate
15 future. You must not forget that in the close waters
16 where traffic increases constantly, the danger
17 increases correspondingly and the factor of error
18 is a human error which exists but there would be the
19 possibility of a mistake made by an automatic device
20 and I do not think, for the time being, such a
21 system could be used.

22 MR. LANGLOIS: Don't you think that somebody
23 will replace the ship owners by an automatic device
24 as well?

25 MR. LALONDE: I am interested in this problem
26 of mechanization. It might be interesting your
27 lordship to know Engineers are working hard at the
28 possibility of replacing judges in certain cases by
29 electronic machines.

30 THE CHAIRMAN: There might be more uniformity



1 FRENCH

2 in our jurisprudence thanks to that.

3 Q. Did you have an opportunity, Mr. Bedard, to pilot
4 ships equipped with television in the wheelhouse in
5 order to make it possible for the man on watch to
6 see what is happening in the front of the boat and
7 in order to facilitate the approach towards the
8 approach wall by being kept informed constantly
9 about the distance between the waterfront and the
10 boat, etcetera?

11 A. I have had an opportunity of sailing on a ship where
12 there was a television set but I cannot say that this
13 set indicated the distance towards the approach wall.
14 It was a purely visual thing; no indication in
15 figures but this system cannot be of any use at all
16 in the night, because you cannot see. It has to be
17 used in the daytime.

18 Q. This set, of course, would not cover all possibilities
19 or all circumstances but it is, however, an improve-
20 ment and a very recent and modern improvement in the
21 field of pilotage?

22 A. Yes, it is a new electronic instrument which is
23 being used on board ships. I think it is a bit
24 premature to decide whether this is a very good,
25 useful innovation or just a mere gadget.

26 Q. I would like now to turn to the general recommenda-
27 tions which you have made on behalf of the Federation
28 of Pilots. In paragraph 399 you state that these
29 general recommendations put forward by the Federation
30 were partly inspired by the pilotage systems of



1 FRENCH

2 Germany, the United States, France and Italy and
3 more particularly that the pilotage system in Germany
4 has attracted the attention of the Federation.

5 In fact is it fair to say that in its general nature
6 the system advocated by the Federation is based on
7 the German system?

8 A. To a great extent that is true.

9 Q. More so than on any other system?

10 A. Yes, I think it is the German system.

11 Q. While advocating a system rather similar to the
12 German system did you take into account the German
13 nature which I do not have to underline here which
14 I believe is a famous nature, famous for its
15 inclination to discipline?

16 A. Yes. The French system from the administrative
17 point of view is rather similar to the German system.

18 MR. LALONDE: Without the discipline.

19 A. In both countries we realized that this worked
20 smoothly and I think that probably the character and
21 the discipline of the French speaking Canadians would
22 be nearer to the French human being than to the
23 German human being but if we put the French-Canadian
24 between the German and the French as far as character
25 is concerned, I think we can align their systems
26 with our characters.

27 Q. You have referred us also to the American system and
28 in this respect I would like to underline a by-product
29 of this system which is the following -- you will
30 correct me if I am wrong -- I understand that in the



1 FRENCH

2 American system, and I would like to quote an
3 example, the New York Harbour system, the Commission-
4 ers inspect the registers or books of the Pilots'
5 Association and also they inspect their conditions
6 just as much as the internal administration of the
7 Association. For instance, the distribution of the
8 common fund.

9 A. The financial statements are transmitted on the
10 15th of each month to the Commission. I think that
11 we would have to check in the Exhibit which we have
12 put down, which is a regulation for the Board of
13 Commissioners of the City of New York on the matter.
14 Maybe this is only an administrative inspection, I
15 cannot really reply to that question by yes or no
16 unless I have the Exhibit concerned.

17 Q. Did you consult with Captain Lowe about this, for
18 example?

19 A. No. On this matter we have consulted with Captain
20 Reid and another New York Captain who was at one
21 point the President of the Pilots of New Jersey and
22 Sandy Hook, Captain Sherwood.

23 Q. The Commission Secretary refers me to by-law number
24 3 of the Commissioners of the State of New York
25 which reads as follows:

26 ENGLISH

27 "Accounting of monies: All monies on or before the
28 15th day of each month the pilots licenced by the
29 Commissioners shall render to the Secretary of the
30 Board an account of all monies collected for pilotage



1 ENGLISH

2 from the preceding month..." and so forth.

3 FRENCH

4 A. Actually this can also be explained by the fact
5 that the New York Harbour has a single tariff and
6 this tariff is used for the administration costs
7 as well as for the remuneration of pilots.

8 Q. Are you, just the same, in a position to confirm
9 that all the books of the pilots in the State of New
10 York are subject to inspection and audit on the part
11 of the auditors, by the Commissioners?

12 A. Well you have just read article three which said that
13 accounting of pilotage dues was to be submitted on
14 the 15th of each month and I think that this is
15 self-explanatory.

16 Q. I raised that point. If I may digress now I raise
17 this point because in one of your recommendations
18 you said that the Commissioner will be entitled only
19 to undertake the auditing of the books of the
20 Corporation or the Association concerned only insofar
21 as the administration costs collected with this
22 tariff, providing for the payment of certain dues
23 in order to cover such costs.

24 A. The Commissioner is entitled to supervise and
25 certainly entitled to audit or inspect the books of
26 the Pilots' Corporation and when the pilots will
27 appear before the Commissioner in order to ask for
28 a review of the tariff, I think that then the
29 Commissioner will certainly ask to have an idea,
30 an accurate idea about everything and will ask to



1 FRENCH

2 submit what was the receipts of the tariff for the
3 previous year.

4 Q. I am putting you this question as the President of
5 the Federation of Pilots: Do you think that the
6 pilots would object for the Commissioner to have
7 jurisdiction regarding the auditing of the books of
8 the Corporation or the Association of Pilots within
9 a given District as regards the distribution of the
10 common pool as well as the administration costs of the
11 Corporation as such?

12 A. Well I wouldn't see any advantage to that. I think
13 all the additional protection would be that if a
14 pilot at a given time felt that his money is badly
15 administered within the common pool, then he would
16 have the possibility of complaining to the Commissioner
17 and the Commissioner, who is supervisory authority,
18 might be able to check the matter but from there to
19 force the pilot to submit at regular intervals to
20 an audited account of their income, I think this
21 would be superfluous. I would not see the usefulness
22 of that procedure for the Commissioner.

23 Q. In other words, you would not see any advantage
24 whatsoever for the pilots on an individual basis,
25 for the Commissioner to supervise the distribution
26 of the funds of the common pool?

27 A. The Commissioner is always entitled to
28 supervise but I think that the pilots are the first
29 ones to exercise their supervision regarding the
30 distribution of the common pool. I can assure you



1 FRENCH

2 when the money is collected and when this distribution
3 is done, we have many auditors by the pilots who do
4 check out these items.

5 Q. When you explained that this system you advocated
6 was based upon the German, French and other systems,
7 you said a few words regarding the French system and
8 especially you have stressed the responsibility of
9 the pilots. Is it not a fact that in accordance with
10 the French law the pilot is responsible for what is
11 called in French law his own fault, or rather all the
12 time responsible for his own vessel or other vessels,
13 or gross negligence?

14 A. That is correct.

15 MR. LALONDE: Article 7 of the law.

16 Q. Do French pilots insure their own responsibility
17 about that according to what you have been able to
18 notice?

19 A. I am under the impression that there is insurance
20 which is taken by the Federation of French pilots
21 and insurance which does not reach the figure of
22 \$1,000,000. I think it is about \$100,000. Perhaps
23 I can answer that question more accurately after
24 the recess, after I have checked my note. I know
25 there is something but I will have to look for it
26 in my notes.

27 Q. However, on this matter of insurance I would like
28 to correct if you allow me a certain statement that
29 you made during your evidence when you gave your
30 reasons and that was the Canadian law regarding



1 FRENCH

2 responsibility remained as such even if pilotage
3 became compulsory, even if there was no responsibility
4 in fact on the part of pilots?

5 A. Yes, a restricted responsibility.

6 Q. Or as it is restricted to \$300.00 as is the case
7 today. You have explained that this in fact would
8 force the owner of the vessel or the ship owners to
9 pay for two insurance policies, that of the pilot
10 and that of the vessel. Are you aware that in the
11 field of Maritime Insurance in contrast with other
12 types of insurance policies on land, the Maritime
13 Insurance is based upon the past experience of the
14 ship owner or the pilot? In other words, the
15 premium that will have to be paid will be based upon
16 the losses incurred in the past. Are you aware of
17 that?

18 A. No.

19 Q. In other words, a vessel which will have a casualty
20 here let us say in the St. Lawrence River will see
21 its premium increased the next year so that over a
22 certain period of years the loss incurred by the
23 owner might be recoverable?

24 A. Yes. This is possible because I know that in the
25 viewpoint of insurance there are certain areas where
26 the tariff, starting from the Gulf of St. Lawrence
27 up to the Lakehead might vary.

28 Q. You know, for example, for the vessel going in the
29 St. Lawrence there will be an over premium to be
30 paid?



1 FRENCH

2 A. Yes.

3 Q. I suppose you know, being a vessel, everything is
4 dependent on the fact if it is insured according to
5 Scandinavian or English policies. You know that a
6 vessel which will navigate in the St. Lawrence before
7 or after a given date will have to pay an over
8 premium?

9 A. Yes.

10 MR. LANGLOIS: Not necessarily so.

11 MR. BRISSET: You answered yes.

12 THE CHAIRMAN: I think that even the ship
13 owners can give evidence to the contrary.

14 MR. LANGLOIS: Everything is dependent upon
15 the different clauses of the policy. Naturally we
16 will hear some evidence governing insurance.

17 MR. BRISSET: I indicated that this was the
18 Scandinavian or English policies.

19 MR. LANGLOIS: I think the same thing applies
20 even to these policies.

21 Q. However, Mr. Bedard, taking for granted what I have
22 told you for argument purposes, you will admit that
23 not only are the pilotage dues paid by a ship owner
24 here on the St. Lawrence River and this experience
25 regarding casualties or accidents will certainly be
26 a factor which will help him to decide if his vessel
27 is going to trade here or not?

28 A. This is quite possible. Of course, everything is
29 dependent upon the fact if the tariff is high enough
30 to trade or not.



1 FRENCH

2 Q. Now let us proceed to the recommendations themselves
3 and recommendation number 2 on page 170 of the
4 English text in which you talk about the role or
5 the part to be played by the Minister of Transport.
6 Is it not a fact that in your evidence you have
7 stated there would be a possibility of appeal of the
8 Commissioner's decision regarding disciplinary
9 matters to the Minister of Transport?

10 A. In certain cases.

11 Q. Could you please give me the reasons for this
12 appeal to the Minister of Transport rather than to
13 any other organization?

14 A. Because the Minister of Transport is the authority
15 issuing the licences. Consequently, we have
16 believed it will be logical for the Minister to be
17 the final authority to revoke licences.

18 Q. Don't you think that in the case of appeal, because
19 I agree with you sometimes it might be necessary to
20 appeal the decision of the Commission as regards
21 disciplinary matters, don't you think that it would
22 be fair for this appeal to be brought before a Court,
23 either the Exchequer Court or any other Court and
24 that the legislation might decide the point? In
25 other words, would you object for that appeal to be
26 made to a Court of Justice instead of the Minister?

27

28

29

30



(French)

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12057

BEDARD

1 A The commissioner makes the recommendation to the
2 minister and the minister has competent people around
3 him to advise him. These people are in constant
4 touch with pilotage owing to their duties. This is
5 why we would have preferred to have authority given
6 to the minister for cancelling the licence in the
7 last resort.

8 Q In the other countries which you have studied is
9 there a similar system of appeal to the pilotage
10 authorities as such?

11 A Yes, one can appeal to the minister and one can
12 appeal to a court about the decision of the minister.

13 Q Under certain laws a first appeal to the minister
14 is provided for and then a further appeal to the
15 court?

16 A The appeal to the court is not provided for in the
17 legislation on pilotage; it is usually in the
18 general law of the country which makes it possible
19 for anyone to appeal to the court.

20 Q In this recommendation concerning the jurisdiction
21 of the Governor-in-Council, of the Minister of
22 Transport and of the Pilotage Commissioner, you
23 have particularly underlined the desirability of
24 decentralizing powers. Would you like to explain
25 to us the main reason behind your suggestion. What
26 has led you to mention this particular point here?

27 A The local administrative problems which might be
28 solved quickly by someone who would have the power
29 to implement a solution and having full knowledge of
30 the consequences, therefore hastening proceedings in



(French)

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12058

BEDARD

1 comparison with the lengthy proceeding of going
2 through a whole scale of stages and going as high as
3 the minister in certain cases.

4 Q Is this recommendation based on the past experience
5 you have had or the past experience of the Pilots'
6 Association in the course of their negotiations with
7 the minister?

8 A Let us say it is based on past experience, on
9 decisions which were very slow in being taken, and
10 because we have seen in other countries that whenever
11 there was a competent local authority these questions
12 were settled very rapidly.

13 Q This recommendation is based on past experience and
14 also on the experience acquired in other countries?

15 A That is so.

16 Q I should now like you to turn to a question which has
17 already been discussed, namely the comment contained
18 in paragraph 424, page 173 in the English text.
19 It is mentioned there that the expenditure concerning
20 the regulation of the corporations or the allotment
21 of money earned by the pilots is not the responsibility
22 of the Commissioner.

23 Mr. Bedard, am I to understand that if the
24 system of dual tariff recommendations is implemented
25 the situation which exists at the present time,
26 whereby the corporations receive from the government
27 the whole of the pilotage dues made by the members
28 and later on adjustment is made after deduction of
29 administrative expenses, will continue as it is
30 today?



(French)

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12059

BEDARD

1 A Yes, unless the member corporations desire to act
2 otherwise, but it is likely it will continue as it
3 is.

4 Q In the course of the discussions you have had in your
5 associations did you ever contemplate establishing a
6 different system which, for instance, would provide
7 that all the revenues in the common fund would be
8 distributed to the pilots and that later on a fee or
9 a due would be imposed upon the pilots in order to
10 cover the administrative expenses and any other
11 expenses incurred by an association dealing with the
12 interests of its members in normal circumstances?
13 For example, I cite the case of professional
14 organizations such as the Bar Association and the
15 Pilots' Federation - and we will come back to the
16 Pilots' Federation later on - and other associations.
17 Was such a system ever discussed?

18 A Not in my corporation at any rate. I always
19 attended the meetings, but such modification was not
20 discussed.

21 Q You said that the Federation, if I understood your
22 comment correctly, is rather similar to a profession-
23 al association such as the Bar Association and that
24 the Federation imposes a due to be paid by all the
25 members.

26 A The Federation prepares financial budget statements,
27 determines the amount per capita of the cost and then
28 sends out a letter explaining what is the situation
29 and asking for dues to be paid.

30 Q Is the letter addressed to each member?



1 A It is addressed to the group members of the
2 Federation of the St. Lawrence Pilots.

3 Q From what you have just said, may I take it that you
4 consider that the system is the same as that applied
5 in the Bar Association, for instance?

6 MR. LALONDE: It is a better one.

7 THE WITNESS: Once the member
8 corporations have been asked to pay their dues these
9 dues are submitted for discussion in the corporation.

10 BY MR. BRISSET:

11 Q Could a member of a corporation refuse to pay his
12 due or the due which has been imposed upon his
13 group by the Federation?

14 A These questions are discussed during the meetings of
15 the corporations and a vote is taken, and of course
16 it is a vote in which the majority wins.

17 Q And the majority forces the minority to pay the dues.
18 Do you know a labour union which would collect the
19 overall earnings of all its members and then would re-
20 allot them after deduction of administrative
21 expenses and other expenses?

22 A I do not know of a labour union which does so but I
23 know of professional associations which do. For
24 instance, the Association of Anaesthetists collect
25 all the earnings and then they redistribute after
26 they have deducted the expenses incurred.

27 Q You mention the anaesthetists. That is not to put
28 us to sleep, is it?

29 A I am not talking about all the anaesthetists; I am
30 talking about those who belong to a hospital, for



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1 instance.

2 THE CHAIRMAN: Like the lawyers who
3 are within the framework of a firm, like a partner-
4 ship of lawyers in other words.

5 MR. JACQUES: The lawyer can always
6 get out of the partnership and go on exercising his
7 profession whereas a pilot who is not a member of
8 the group must stop doing his job.

9 THE WITNESS: Not at all.

10 MR. LALONDE: My colleague has just
11 put forward something which is utterly wrong and I
12 beg to differ.

13 THE CHAIRMAN: I think we will leave
14 it at that for the time being.

15 BY MR. BRISSET:

16 Q Mr. Bedard, with regard to the administration which
17 is provided by the pilot associations, you state
18 somewhere in the text that the associations will be
19 in a position to own and administer the required
20 material for the purpose of the administration. If
21 this system was adopted, would you foresee an
22 organization, an organization independent of the
23 corporation of pilots, such organization to become
24 the owner of the rolling stock, as for instance in the
25 case of American pilots in the No. 1 district of the
26 Great Lakes?

27 A In my opinion, yes, it would be advisable to have a
28 distinct corporation which would own this floating
29 material and the pilots would be shareholders of this
30 corporation. A distinction must be established as



1 well. There would be the case, for example, where
2 private industry might offer some low rates, and then
3 I do not see why the pilots would not give them a
4 contract instead of being the owners themselves of
5 pilot boats.

6 Q In order to give an example of what I have just
7 suggested, let us take the case of the Quebec
8 district. You would have within that district,
9 then, the association of the Quebec harbour and the
10 Corporation of the Low St. Lawrence, and you would
11 also have the corporation for the pension fund for
12 the Quebec district pilots and you would have
13 Corporation X which would be the owner of the rolling
14 material or equipment. I am not talking about the
15 Federation now. This is what you would foresee as
16 a corporation organization within a district?

17 A Well, your question was to the effect that I would
18 foresee the establishment of an organization which
19 would be the owner of pilot boats, and I would see
20 that as a possibility representing advantages. At
21 the present time there are three organizations of
22 pilots, and this would become a fourth.

23 Q Let us take the example of a distinct company or
24 corporation being incorporated in order to
25 administer this rolling equipment. I suppose this
26 equipment would be granted to the corporation of
27 pilots, entrusted to the pilot administration within
28 the district?

29 A Well, you assume, but this is not necessarily so.

30 Q What I am trying to find out is what would have been



1 foreseen within the organization of a district if
2 this organization, as is recommended here, will have
3 to administer pilotage.

4 MR. LALONDE: My colleague seems to
5 stress that this trade corporation will administer
6 all the equipment. At all the locations we have
7 visited where this exists, in particular in Germany
8 and the United States, this corporation is establish-
9 ed only for legal purposes. In other words, the
10 pilot association which has no profit-making
11 purpose could not commit itself to an operation
12 which has a commercial status although it is not
13 supposed to be profit-making. Although the
14 officers of this commissioned company are the same
15 as those of the association of pilots, the French
16 pilots foresee that these pilots' associations are
17 owners of the equipment, without having a different
18 legal entity. The witness referred to the
19 possible existence of a commercial corporation which
20 would administer this rolling equipment and the
21 shareholders of that corporation would be the pilots,
22 and here I think the important thing would be to
23 examine the legal structure in order to find out if
24 the associations of pilots, with their charters for
25 associations without any profit aim, could or could
26 not administer (as owners) all the material and
27 equipment relating to pilotage. I think this
28 matter is strictly of a legal order rather than an
29 institution as such. It is quite sure that we would
30 not see the interests of establishing a commercial



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1 enterprise and all the shareholders would be the
2 pilots if such a necessity is not imposed by the
3 general laws of the country. I think it is in this
4 spirit that the witness has mentioned this matter.

5 THE CHAIRMAN: You have just mentioned
6 an example in which officers will be the same. We
7 must therefore see that not one single little group
8 will do business with itself. Consequently, the
9 contracts that would be concluded are contracts that
10 would not be made normally in the commercial field,
11 and we wonder - from certain things we have seen in
12 Canada and elsewhere and from evidence we have heard -
13 if it would not give rise to certain abuse. From
14 what I can see, this corporation would be composed
15 of the same members because of the investment made
16 within that corporation. For example, a new pilot
17 would not be entitled to the capital already
18 invested. He would have to deposit some money
19 himself in order to be entitled to it.

20 MR. LALONDE: The witness yesterday
21 referred to the case of the New York pilot, in which
22 case a sum of \$3,500 had to be deposited for a new
23 pilot, and in another case I think the amount was
24 \$7,500 because the expenses there were higher.

25 THE CHAIRMAN: Such an amount is
26 arbitrary. I do not know, but those are only ideas
27 I am expressing at the present time.

28 MR. BRISSET: My Lord, the discussion
29 that has just been heard has thrown some light on
30 the problem I wanted to raise, which was the



1 following. In my own mind, the corporations being
2 corporations established according to Part 2 - that
3 is without any profit-making purposes - could not
4 do business and I foresee the necessity of establish-
5 ing a further organization for the purposes of
6 ownership and administration of rolling equipment.

7 THE CHAIRMAN: From the evidence it
8 appears that this problem does exist.

9 BY MR. BRISSET:

10 Q Mr. Bedard, I would like to refer you now to
11 recommendation No. 6 on page 184 of the English
12 text. This provides that every district would be
13 financially independent. I would like to know if
14 you have studied the possibility from the point of
15 view of administration of the pilotage service and
16 whether you have considered that there might be a
17 conflict between the corporations or the associations
18 of two neighbouring districts.

19 If you have, have you also foreseen that
20 the administration within one district may overlap
21 the administration of the next district?

22 A Yes, we have provided for that. There is another
23 article later on which states that it is possible,
24 whenever deemed advisable, for the corporations to
25 have an understanding between each other whenever
26 deemed advisable, for example for the operational
27 costs among other things.

28 If we take a pilotage station such as in
29 Quebec, the office costs for administration in
30 Quebec could be divided between the pilots of the



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1 Quebec-Escoumains district and from Quebec-Three
2 Rivers district according to the number of pilots
3 or according to the number of vessels. This is in
4 order not to have two offices one next to the other,
5 with a double staff.

6 Q In the case of a conflict between the pilots and the
7 association of two neighbouring districts who,
8 according to you, would have the jurisdiction to
9 settle the conflict?

10 A In a case where it was impossible to reach a settle-
11 ment between the corporations or the chief pilots,
12 I think then the Commissioner should have juris-
13 diction to say that whichever corporation or group
14 which, according to him, is to blame, should review
15 its decision and see that the problem is settled.
16 If within a period of three months, as provided,
17 the corporation does not do anything then the
18 Commissioner will be entitled to call another
19 election in order to elect a new chief pilot.

20 MR. LALONDE: The question of my
21 colleague was in connection specifically with a
22 conflict between two corporations.

23 BY MR. BRISSET:

24 Q Let us take a conflict which occurred about two or
25 three years ago at St. Lambert lock between the
26 Corporation of the St. Lawrence Seaway Pilots and
27 the Corporation of the Montreal Harbour Pilots. In
28 such a case, who would have jurisdiction in order to
29 settle such a conflict or dispute?

30 A In that case - you are referring to a specific case



1 which had to do with the establishment of the limits
2 of the district which gave rise to certain
3 confusion - the limits or the boundaries of the
4 district may be interpreted as being in a given area
5 by one group, and by the other group still according
6 to the by-laws in which the boundaries seem to be
7 located elsewhere. So that case is dependent upon
8 law because it is provided that the limits of a
9 district are to be established by law. Naturally,
10 everything is dependent on the fact that if a
11 problem arises everything is dependent on the
12 importance of the problem and who will have juris-
13 diction to settle it.

14 Q In other words, you cannot give me an answer to
15 this question so long as the conflict and its cause
16 is not exactly known?

17 A Well, I gave you an accurate answer regarding a
18 conflict or the assumption of a conflict that you
19 have put forward and which had reference to the
20 boundaries of districts, and this is clearly defined
21 and it is to be included in the law. If it was a
22 conflict of an administrative type, then I think the
23 pilotage commissioner would have the necessary
24 authority to settle it. Everything is dependent
25 upon the nature of the conflict.

26 Q I would like to get back to an answer you gave me a
27 while ago when you underlined that the corporations
28 of two districts could reach an agreement in order
29 to decrease the costs of administration. I would
30 not like you to think that I am becoming cynical,



1 but would the pilots have a different interest from
2 users in decreasing the administration costs as these
3 costs are recoverable?

4 A Well, I think the pilots have a certain interest in
5 seeing that the administrative costs are not too
6 high. In the first place, you have mentioned a
7 case in which pilotage may be a factor regarding
8 trading of certain vessels in the St. Lawrence. I
9 think then if the pilots have an administration that
10 is not too costly it would be to the advantage of
11 the shipowners and the pilots. If the pilots can
12 prove their administration is not too costly in
13 comparison with the services, then they might have a
14 better opportunity of receiving a higher tariff than
15 otherwise.

16 Q Do you not think it would be more in the interest of
17 the pilots to reduce to the minimum figure their
18 administration costs if there was a single tariff
19 and that consequently their personal earnings would
20 be higher if the administration costs would be
21 lower?

22 A In certain cases, yes this might apply, but then
23 there will also be the additional danger that the
24 administration costs be reduced to such an extent
25 that the service would be affected.

26 Q Is there still not another danger - if I may put
27 myself into the shoes of the Federation of the
28 pilots' corporations - that if there is a single
29 tariff and everything is under the supervision of
30 the Commissioner, then the Commissioner will be in a



1 position at the same time to supervise all the
2 financial matters including those internal financial
3 matters of the corporation?

4 A Not necessarily because the balance after the
5 administration expenses are paid, goes to the
6 common pool. This does not mean that the
7 Commissioner will be entitled to go and see how the
8 common pool is administered.

9 Q Let us pass now to recommendation No. 7 regarding
10 the chief pilot, page 185 of the English text.

11 Do you think there would be a certain
12 advantage in appointing a chief pilot whose position
13 would become permanent as soon as he was appointed
14 instead of having a three-year term of office as is
15 suggested?

16 A This can be debated in the following way. If we
17 appoint a permanent chief pilot and after two years
18 we find that this gentleman is not really competent,
19 then we have to do without his services. If he is
20 appointed for a certain length of time, we can get
21 rid of him after a certain length of time and then
22 whoever is elected is elected for only a period of
23 time, and he cannot expect to be re-elected if his
24 services are not satisfactory.

25 Q That is the reason why you have established a
26 period of office regarding the mandate for the
27 chief pilot?

28 A That is why we have decided to limit his term of
29 office.

30 Q Regarding the selection of this chief pilot, do you



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1 think it would be of benefit for the senior pilot of
2 the district to be chosen?

3 A No.

4 Q From your trip, do you say that in the jurisdictions
5 in which there is a chief pilot appointed, the
6 senior pilot is appointed within the district?

7 A No. I can remember one place where the senior
8 pilot is appointed. In Germany, for example, the
9 senior pilot was appointed for the disciplinary
10 committee. At that time the senior pilot is
11 chairman of the committee. However, we must not
12 confuse the term "elderman" with the term "senior"
13 in regard to age. He is "elderman" by virtue of
14 the fact that he has been appointed chief pilot.

15 Q Am I to understand that the Federation would be
16 against the fact that the appointed chief pilot be
17 elected in the Quebec District among the ten senior
18 pilots of the district, for instance?

19 A No, the Federation would have no objection to the
20 fact that the chief pilot be selected without taking
21 into account his age. I think only his
22 qualifications must be taken into account. I do
23 not think we can say that the senior pilot should be
24 the chief pilot because then we will have a senior
25 pilot who could be a very good pilot but without
26 any administrative qualifications whatsoever.

27 Q Is it not true, if my memory serves me right, that
28 in certain administrations - for instance in Germany -
29 the chief pilot must at least have ten years of
30 service? I remember having read that but I cannot



1 remember whether it is in the British or the
2 German case?

3 A Yes, it is correct. It does happen in certain
4 places.

5 Q In other words, even if one does not appoint a
6 senior pilot it is demanded that the chief pilot has
7 at least a considerable number of years of service?

8 A Yes, in certain places.

9 Q You do not make this recommendation in your brief.
10 Is there any reason for not so doing?

11 A No, I do not think there is any special reason.
12 If this rule was to apply to the St. Lawrence Pilot
13 Federation I would not be here today.

14 Q With regard to the chief pilot I would like to refer
15 you to paragraph 472 which appears at page 186 of
16 your brief. You state here "Also, the chief pilot
17 makes a report to the appropriate bodies of any
18 incident or accident in which ships are damaged,
19 when there is a pilot on board."

20 What is the reason behind this suggestion?

21 A At present when there is an accident or an incident
22 the pilot has to make a report to the local
23 supervisor and the local supervisor in turn reports
24 to the competent authority. As the chief pilot is
25 in charge of the administration of his district and
26 as the pilots come to their office at the end of the
27 trips, I think the quickest way of reporting any
28 maritime incident would be to do it in this way
29 instead of having it go through more difficult
30 channels.



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Q Do you think a procedure of that type would really be advisable, taking into account that for human reasons the chief pilot may be biased?

A A report must be submitted and I cannot see any other alternative. Let us assume that the chief pilot does not make reports on accidents and the pilots themselves do not. How are you going to go about it? How are you going to manage?

Q Under the present law the pilot is compelled to make a report to the pilotage authorities about any accident. It is a statutory obligation, is it not?

A Yes.

Q Why do you want to change the nature of this obligation?

A We do not change the nature of the obligation; we just give to a third party a power of control - supervision to have the law enforced.

Q May I draw your attention to the last sentence of paragraph 475 at page 187:

"The remuneration of the chief pilot should be considered as part of the cost of administration of the district, and should be classed with that portion of the tariff devoted to administration."

This remuneration, of course, is based on the revenue of the pilot who has made the most money plus twenty per cent?

A That is correct.

Q How are you going to determine the revenue of the pilot who has earned the most money if you apply the



1 principle of the common fund which equalises the
2 income among all the pilots?

3 A It will be the pilot who has earned most according
4 to the distribution of the common fund, not
5 necessarily the pilot who will have brought most
6 into the corporation but the pilot who will have
7 earned most. For instance, an "A" grade pilot is
8 considered as being a pilot who has had the highest
9 remuneration, therefore it would be like a class A
10 pilot's income plus twenty per cent.

11 Q This will be determined according to the distribution
12 made by the corporation or the association concerned
13 of the funds of the common fund. It will not be
14 based upon the statistics of the department?

15 A That is correct.

16 Q I would like now to turn to recommendation No. 8 on
17 disciplinary powers.

18 In regard to disciplinary powers, does
19 the Federation provide that by-laws may make
20 offences to discipline inasmuch as they will make
21 acts against the interests of the corporations of
22 which they are members, for instance, or acts which
23 are derogatory or which violate the profession of
24 the pilots?

25 A I think so. In our studies one of the questions
26 which we have put, in all the foreign-piloted
27 districts, was whether there was a code of
28 professional ethics for pilots. It is only in
29 Germany that we found something which is somewhat
30 similar to a code of ethics for pilots and which is



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1 also a sort of disciplinary measure code. We have
2 the intention of having later on a professional code
3 of ethics which would foresee such cases as that
4 which you have mentioned.

5 Q The aim of this code of professional ethics, I am
6 sure, would not be to eliminate the dissident
7 members?

8 A Not at all. There are always dissidents every-
9 where any time there is a group.

10 Q Do you know that, for instance, in the State of
11 New York the corporation or the association of
12 pilots have a professional code of ethics? It is,
13 for instance, forbidden for the pilot to make public
14 statements which would be to the detriment of the
15 association of which he is a member.

16 A No, we do not know about this. We do not have this
17 code of professional ethics and I am sure that we
18 would ask the pilots in New York where they did
19 exist. They have very severe by-laws and
20 regulations which are included in the regulations
21 of the board of commissioners. For instance, a
22 pilot must report to his corporation or association
23 if he sees that another member of his association,
24 for instance, drinks too much.

25 Q If the corporation was to establish a code of
26 ethics, I take it a pilot who is found guilty will
27 be made to appear before a tribunal consisting of
28 other pilots?

29 A We provide here that the disciplinary committee may
30 consist of pilots or people outside the pilotage



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1 service.

2 Q When you mention people outside the pilotage circles
3 do you have anything in mind? Do you have in mind
4 shipowners, for instance?

5 A Nothing is impossible I suppose.

6 Q In any case, the pilot who would have violated
7 professional ethics would have to appear before a
8 professional tribunal?

9 A Yes, there would be a committee on discipline which
10 would render judgments. Appeal could be made to
11 the Commissioner.

12 MR. LALONDE: In all cases. If you
13 look at page 188 you will see that in the English
14 text it is stated that the decisions of the
15 committees are in all cases appealable to the
16 Commissioner.

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Bedard cr.ex.
(Brisset)

1 FRENCH

2 MR. BRISSET: In the case of offences,
3 of professional offences an appeal can be made to
4 the Commissioner?

5 A. That is correct.

6 THE CHAIRMAN: We will adjourn for a few
7 moments now.

8
9 ---Short recess.

10 ---Following short recess.

11

12 Q. Mr. Bedard I proceed now to recommendation number 9
13 on page 189 regarding apprenticeship, paragraph 481
14 where it is stated that: "The apprenticeship schemes
15 are the responsibility of each Corporation." Am I
16 to understand that for the Federation, the ship owners
17 should have nothing to do regarding the establishment
18 of apprenticeship schemes?

19 A. That is correct. And you must go on with this
20 sentence in the text, "and are subject to the
21 approval of the Commissioner."

22 Q. In the establishment of these apprenticeship schemes,
23 I understand that the views of the Federation are to
24 the effect that the ship owners should not take part
25 in this establishment of apprenticeship schemes?

26 A. That is correct.

27 THE CHAIRMAN: Neither in the establishment
28 of apprenticeship schemes nor in the examination.

29 Q. Now I would like to direct ourselves to the establish-
30 ment of apprenticeship schemes in the past. Were



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2 the Corporations of pilots always interested in
3 apprenticeship schemes?

4 A. Not always in the past because I have heard from
5 older pilots that the apprentices were the apprentices
6 of the Government and the Government was taking care
7 of it so it was up to the Government to look after
8 that matter and I cannot say that they were wrong at
9 that time and the impression was to the effect
10 that the apprentices were appointed by the Government,
11 were supervised by the Regional Supervisor who was
12 a Civil Servant and the pilots had no responsibility
13 whatsoever in the field of apprenticeship regulations.
14 At that time the apprentices were not being taken
15 care of a great deal by the Government, the ship
16 owners or the pilots. The ship owners at that time
17 had shown no initiative regarding the establishment
18 of apprenticeship schemes or the enforcement of such
19 a scheme for the apprentices. It is only when the
20 pilots on their own initiative decided that there has
21 been an amount of idleness in that field for long
22 enough time, and it would be a good idea to have an
23 apprenticeship scheme, such schemes have been proposed.
24 Then the ship owners decided to wake up and decided
25 it would be a good idea to put their finger in the
26 pie but before the pilots took the initiative,
27 nobody decided to get concerned with the apprentice-
28 ship schemes.

29 Q. In other words, according to you the pilots themselves
30 would be first to take the initiative regarding the



1 FRENCH

2 establishment of such schemes?

3 A. Yes.

4 Q. Could you please tell me approximately at what time
5 the pilots started to get interested in the establish-
6 ment of the apprenticeship schemes?

7 A. I would say that the old apprenticeship scheme had
8 been in force for quite a number of years. The
9 apprenticeship was existing nonetheless and had
10 become quite antiquated, without any promotion or
11 no close supervision and in the year 1956 or 1957,
12 this was before I became a pilot myself, the pilots
13 started to hire some advisers and pay these advisers
14 themselves in order to establish such schemes.

15 Q. When you are talking about an adviser, do you mean
16 an economic adviser or a legal adviser?

17 A. Both. In order to adopt schemes, well naturally
18 the pilots themselves, because of their knowledge,
19 were in a position to establish such a scheme but
20 of course they needed the help of an economic and
21 legal adviser.

22 Q. If I understand your evidence correctly, this system
23 that has been established at that time was established
24 thanks to the initiative of the pilots as advised by
25 their economic and legal advisers?

26 A. That is correct.

27 Q. I proceed to recommendation number 15, paragraph 511,
28 compulsory pilotage on page 197. In paragraph 512
29 you are talking about the Canadian rule as being a
30 hypocritical and illogical rule because it provides



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2 only for the compulsory payment of pilotage dues?

3 A. That is correct.

4 Q. In the course of your trip to Europe had you studied
5 the question in other countries of the payment of
6 compulsory pilotage dues and the system of the
7 compulsory pilotage in order to establish what were
8 the reasons at the base of each of the two systems
9 to which you have referred in your evidence?

10 A. The two systems, compulsory pilotage and compulsory
11 pilotage payments of dues, there is a system that
12 states that pilotage is compulsory. Whenever that
13 law is established, there is a certain loophole when
14 one sees certain pilots may not be available. On
15 the other hand, you have a system according to which
16 pilotage is truly and entirely compulsory...

17 Q. Now I would like to establish a kind of synthesis
18 of the two systems and suggest certain reasons which
19 may favour one rather than the other system and in
20 the first place I can start with the compulsory
21 pilotage system and I suggest that when this system
22 is in force, that is to say that it is truly and
23 entirely compulsory with a possibility of fines or
24 penalties against the master or the ship owners
25 who would not avail themselves of the services of
26 a pilot, and I would suggest the following reasons
27 in favour of such a system: In the first place,
28 when such a system is in force, generally speaking,
29 not in all cases, the pilots are the employees of the
30 Pilotage Authority, such as, for example in Suez and



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2 in the Panama Canal.

3 In the second place, one of the reasons for
4 the establishment of such a system is that the
5 Authority hiring the pilots also control the traffic
6 in the neighbourhood or in the area where the pilot
7 is to work.

8 In the third place one keeps in mind especially
9 the protection of installations which are under the
10 jurisdiction of the Authority hiring the pilots, not
11 only the material and physical protection of these
12 installations but also from a military viewpoint.
13 Do you think that the three reasons I have put forth
14 are reasons with your own study or talks with the
15 parties concerned, are valid reasons?

16 A. These reasons apply in certain cases but however,
17 not in each and every case. You have certain places
18 of compulsory pilotage and it is provided that a
19 penalty will be imposed on the master of the ship
20 if he does not take a pilot on board. In other
21 places pilots are free contractors. They are not
22 Civil Servants employed by the State and the Harbour
23 facilities may suffer damages. I think that any
24 port facilities are of great importance. However, I
25 agree with you that places like the Panama Canal,
26 if damages were caused to a lock would have more
27 serious consequences than if it were to take place
28 in an open harbour.

29 Q. In the case of a ship with no pilot on board?

30 A. Yes, that is so.



1 FRENCH

2 Q. Let us take now the system of payment of compulsory
3 dues and having summed up the problem, again I would
4 like to suggest three reasons behind the system.
5 First of all, wherever this system exists the pilot
6 is generally a free contractor. Secondly, the main
7 reason for compulsory payment is to make it possible
8 for the service to be efficient. That is, for the
9 revenues to be such that one can maintain the
10 service. Third, where you have realized under the
11 system, the ships in fact took pilots on board. Do
12 you think that these three basic reasons, which I
13 have just spelled out, are right, and do you think
14 that there is a close relationship between the fact
15 that the pilot is a free contractor and the fact that
16 the payment of dues is compulsory?

17 A. If I remember correctly, in Italy you have compulsory
18 pilotage and it is done by free contractors and not
19 by Civil Servants.

20 Q. When I talk about Civil Servants, I do not necessarily
21 mean employees of the State. I may refer to employees
22 of a company. For instance, the Suez Company, the
23 Panama Company or a body which depends on the
24 Government, but which is an independent body, to a
25 certain extent.

26 A. I think that your thesis is very good but we could
27 take it the other way round and reverse the reasons
28 behind the compulsory payment of pilotage, compulsory
29 pilotage if we see what the laws are in the countries
30 where pilotage is compulsory and payment of dues is



1 FRENCH

2 compulsory too.

3 Q. If I may be allowed, I would like to apply the theory
4 which I have just put forward before you to certain
5 particular cases, here in Canada particularly on the
6 St. Lawrence River. Take the case of the Montreal
7 Harbour where with experience it was decided that it
8 was necessary to have close control over the traffic
9 of vessels. Do you think that if, within the District
10 of Montreal Harbour, we were to impose compulsory
11 pilotage, do you think it would be logical to help
12 the pilots become employees of the Port Authorities?

13 A. No.

14 Q. So that under the direct and close jurisdiction of
15 the Port Authorities the control of the traffic
16 could be improved because the Port Authorities would
17 also have jurisdiction, complete jurisdiction over
18 the pilots?

19 A. No, not necessarily and this is for the good reason.
20 You have compulsory pilotage in the District of
21 Cornwall-Kingston. You have control over traffic
22 in the Maritime Seaway and yet you have pilots who
23 are free contractors and would submit themselves to
24 the control of the Seaway Authorities.

25 Q. You would admit though up to a certain extent?

26 A. Yes, up to a certain extent but the denser the
27 traffic will become, the more rigid will the control
28 have to be, and this is only natural, and I don't
29 see what difference there is between having a free
30 contractor and a pilot who could not except but obey



1 FRENCH

2 the orders of the Seaway Authorities just as well as
3 the employee from this Authority.

4 MR. LALONDE: My colleague said up to a certain
5 extent. Has the witness knowledge of an incident in
6 the Seaway about a pilot piloting in the Seaway and
7 who would have refused to follow the instructions or
8 the orders of the Authority?

9 THE WITNESS: No. There was control up to
10 a certain extent. That is how I understood the
11 question put by Mr. Brisset.

12 Q. That is what I had in mind when I put the question.
13 Since you have mentioned the Seaway, we should limit
14 the debate to the Montreal-Cornwall section which
15 is under Canadian jurisdiction. If there were to be
16 a compulsory pilotage system in this District, do you
17 not believe that it would be of advantage for pilots
18 to be submitted to the only Authority of the Seaway
19 which could sort of combine its authority over the
20 pilots with the control over the traffic in the
21 above-mentioned District?

22 A. It is not necessary. Pilots do not have to be
23 employees of the Seaway to obey the orders of the
24 Seaway Authority.

25 Q. Don't you think it is abnormal, however, if the pilot
26 does not conform to the regulations of the Seaway
27 no disciplinary steps can be taken directly against
28 him by the Seaway Authority? Any disciplinary measures
29 must be taken by the Pilotage Authority, which is a
30 completely different Authority.



1 FRENCH

2 MR. LANGLOIS: In his theory my colleague
3 may forget that the pilot cannot choose. It's the
4 master who has to follow the regulations and orders,
5 not the pilot. Anyway, if his reasoning is correct
6 for the pilotage service, it should be correct also
7 for the towing service. Can you make a suggestion
8 for the towing service?

9 THE CHAIRMAN: In the Seaway there is
10 disciplinary action which can be taken against the
11 ships.

12 Q. In the case of the violation of the regulations of
13 the Seaway, even if the pilot is responsible, the
14 master of a ship may be given a penalty rather than
15 the pilot. The question which I put to you was the
16 following: Don't you think that this situation is
17 rather abnormal? If the pilot -- if pilotage is
18 compulsory, in the example I am giving you, if the
19 pilot fails to apply the regulations as regards the
20 control of traffic, the authority which should impose
21 the disciplinary measure should be the authority
22 which, at the same time, controls the traffic?

23 A. I do not think there is anything abnormal because
24 the authority which controls the traffic may not
25 be aware about the conditions on board the ship and
26 I believe that the chief pilot who is a representative
27 of the Ministry is more competent to apply sanctions
28 than would be an authority from the Seaway.

29 MR. LANGLOIS: Your lordship, I am sorry, the
30 orders of the Seaway are made for the master and not



1 FRENCH

2 for the pilots. It is called the Seaway Masters'
3 Handbook.

4 THE CHAIRMAN: Yes, but we are talking about
5 a new organization which could be set up and which
6 might entail the changing of the status of the pilots
7 and maybe of the towing boats too.

8 Q. I would like to put this question to you Mr. Bedard:
9 Would the pilots be against the fact that in the
10 Montreal-Cornwall District the Seaway Authority have
11 complete jurisdiction over them? Let us forget for
12 the time being the question whether in such a case
13 they would be or would remain free contractors or
14 would become Civil Servants or employees of the
15 organization.

16 A. You propose something which is new and which I
17 would have to discuss with the pilots of the Seaway.
18 This is a new thesis. I am ready to plead for the
19 brief such as it has been prepared with the pilots,
20 but if you put forward any new ideas, I have to ask
21 for the opinion of the pilots on the matter.

22 Q. I would like to put my question some other way. If
23 we were to impose within the limits of the Montreal
24 Harbour, and along the Seaway route, if we were
25 to impose compulsory pilotage as it has been request-
26 ed by the pilots, would the pilots in turn be ready
27 to accept, to come within the jurisdiction of the
28 Port Authorities as regards Montreal and of the
29 Seaway Authorities as regards the Seaway?

30 A. As employees of these organizations?



1 FRENCH

2 Q. As employees or as free or independent contractors?

3 A. Well as employees I think they would be against it.

4 Q. If they keep the status of free contractors your
5 answer would be different?

6 A. Well I don't know. You would have to study all the
7 implications. I cannot answer you on this question
8 at the moment either by yes or no. There are many
9 details to be studied before giving a definite
10 answer.

11 THE CHAIRMAN: What Mr. Brisset is thinking
12 about is perhaps something as it exists in the
13 Suez Canal or rather on the Panama Canal.

14 THE WITNESS: In Panama the pilots are
15 employees of the company on which basis?

16 THE CHAIRMAN: Well they are free employees
17 and they follow the orders of the Authority.

18 THE WITNESS: If you have a chief pilot who
19 is entrusted with the pilotage station, and we note
20 that today the tendency is towards efficient control
21 of navigation on the St. Lawrence, because the number
22 of vessels is ever increasing, naturally the Chief
23 pilot could either take consultation and work in
24 coordination with the Harbour Authority or the D.O.T.,
25 and so forth. There is a certain coordination that
26 must exist somewhere, wherever it comes from, so
27 long as the service is efficient and that the pilots
28 belong to the status they wish to belong to.

29 THE CHAIRMAN: What Mr. Brisset says is for
30 one given harbour or the Seaway, the Pilotage



1 FRENCH

2 Authority would be the Port Authority or the Seaway
3 Authority?

4 THE WITNESS: This is different because Mr.
5 Brisset says that the Pilotage Authority would be
6 the Authority of the Port. This is not the idea I
7 have about it because the Authority, insofar as the
8 traffic control is concerned, may be the Port
9 Authority, not the Pilotage Authority.

10 Q. Perhaps there is a slight misunderstanding here
11 because the particular idea that I am trying to
12 develop at the present time is the following: Where
13 it is necessary to exercise a fairly close control
14 on the traffic, such as in the limits of the Montreal
15 Harbour and in the Seaway, would it not be logical
16 that the Authority that would exercise this control
17 on the traffic and the movements of vessels have
18 also complete jurisdiction over the pilots who are
19 the instruments which allow the Authority to exercise
20 this control over the traffic?

21 A. Not necessarily so.

22 MR. JACQUES: If it can help you, Mr. Bedard,
23 let us take the case of the Montreal Harbour where
24 the master gives clearance to vessels. Don't you
25 think it would reduce operation costs or the opera-
26 tion would be more efficient if this same person
27 would be giving the clearance to the vessel and
28 receiving the details regarding the vessel and control
29 of traffic of the vessel and control of what has been
30 called the keel clearance and despatching of the



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2 pilot at that time?

3 A. Whether the agent calls the pilot or the Port
4 Authority calls the pilot, I don't see any difference
5 whatsoever.

6 MR. JACQUES: Well there is more entailed than
7 that, than making a phone call because this person
8 will despatch a pilot who will fulfill the duties
9 performed by the D.O.T. at the present time.

10 MR. LANGLOIS: Don't you think that the work
11 load of the Port Authority would be increased whilst
12 their duties are quite enough as they are at the
13 present time?

14 THE CHAIRMAN: You may go on with the same
15 subject, if you are not through, although you were
16 interrupted many times.

17 Q. You are aware, Mr. Bedard, that in the Montreal
18 Harbour there are certain by-laws existing which
19 govern the anchorage at a given place. For example,
20 dropping an anchor at a given place or proceeding at
21 a given maximum speed or the rules for a ship
22 crossing on either one side or the other of the
23 ship channel, and that is provided for in many by-
24 laws. In many cases these by-laws are published by
25 the Port Authority, that is the National Harbours
26 Board. These by-laws must be abided with. That is,
27 the pilot has to abide by these by-laws like any
28 other person. You may know, on the other hand, in
29 the case of a breach of these by-laws, the pilot
30 would not be the one who would be penalized even



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2 though he would be the one who ordered the dropping
3 of the anchor at a given area and the master would
4 have followed his advice. You realize that?

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2 Are you aware, I suppose it is a case Mr. Bedard
3 that the Shipping Federation of Canada recommended
4 that this Court which was sitting until the year
5 1931 or 1932, which was known under the name of the
6 Court or Direct Commissioners Court should be
7 reinstituted?

8 A. Vaguely. I must tell the Court though, regarding
9 this recommendation number 30, something more
10 elaborate will be presented to this effect, and I
11 think it will be submitted by the legal advisers
12 because they are more aware of the legal aspects of
13 that question and I do not think I am cognizant
14 enough of that matter to discuss recommendation
15 number 30.

16 Q. However, do you think that the pilots in here,
17 meaning your Corporations, would object to having a
18 special Court established for the purpose of
19 undertaking these investigations or inquiries and
20 submitting recommendations to the competent
21 authorities regarding penalties to be imposed?
22 This Court could be presided by a Judge or an
23 experienced master or an experienced investigating
24 officer assisted, as was beforehand the case for the
25 previous Court, the older Court, by two assessors,
26 either pilots or ocean going masters or an engineer,
27 or the advice of an engineer, would be required.

28 A. In this Court would they be empowered to impose
29 penalties immediately, or to make recommendations
30 to the Minister or what?



1 FRENCH

2 Q. This Court would be empowered to make recommendations
3 in order to impose a sanction or a penalty but it
4 would be a Court that would be entirely independent,
5 just like the Archive Court from the Pilotage
6 Authority itself, and the pilot Corporations, or
7 Corporations to which the pilots belong might be
8 called upon, might be summoned before these Courts
9 independent from ship owners.

10 A. And they would be entrusted with the investigation
11 of Maritime casualties and their judgment or their
12 decision would be appealable?

13 Q. Yes, the right to appeal would always exist.

14 A. Yes, this seems to be logical. With the reservation,
15 because we would like to make an additional
16 recommendation to that effect but at first glance, I
17 think so.

18 THE CHAIRMAN: Mr. Smith informs me that the
19 Court existed until the death of the Commissioner and
20 perhaps it was not due to the case there was a lack
21 of candidates. There must have been a special reason
22 for that Court terminating its work. This is why
23 I would like to find out what was the reasons which
24 kept the nomination of another Commissioner because
25 as it is a system that had been provided for in the
26 law, we would like to find out how come such a system
27 is not in force at the present time.

28 Q. I agree that it would be very interesting to find
29 out why this organization did not go on with its
30 work after the death of its Commissioner.



1 FRENCH

2 MR. LALONDE: Perhaps there was a lack of
3 wrecks.

4 MR. BRISSET: During the war there certainly
5 must have been a few casualties in our waters.

6 Q. Now I go on to recommendation number 31, paragraph
7 598 on page 221 in which you state that the "vessels
8 with small cargoes should be required to carry
9 sufficient ballast to guarantee their safe handling
10 on the St. Lawrence River." Could you please tell
11 me exactly what you foresee as ballast here and where
12 this ballast will be taken? In order to simplify
13 the question, do you have in mind, as a name, the
14 deep tanks?

15 A. If it is necessary -- this is a question of safety
16 to the vessel. This does not happen to each pilot
17 once during the season, but it may happen and you
18 know as well as I do that if the steering wheel or
19 the rudder and the propellers are out of the water,
20 for safety purposes we would have to fill the deep
21 tanks, or the double bottoms. Then this is important
22 to increase the draft of that particular vessel in
23 order to see to it that the propeller or the rudder
24 be fully in the water in order to give better handling
25 possibilities to that vessel.

26 Q. Let us take a concrete case, Mr. Bedard. Let us take
27 the case of a vessel which would come to unload at
28 Quebec and which is to go upstream on the river in
29 order to load a cargo of wheat in Montreal. You know,
30 I am sure, that this load will be loaded in the deep



1 FRENCH

2 tanks in particular. You also know that in order
3 to load the vessel with grain in Montreal, the water
4 hold must be unloaded and the hold must be dried out.
5 Have you realized that in order to undertake such an
6 operation, if the vessel was to go upstream with
7 water ballast in its deep tanks, the vessel may be
8 delayed two days in Montreal, once it has reached
9 Montreal?

10 A. Yes. Naturally if the economic aspect will mean
11 certain delays to the vessel, it becomes too costly.
12 If the vessel does not want to have enough ballast,
13 doesn't want to load with ballast, because if there
14 is a very strong wind he may wait in Quebec before
15 starting on its voyage, and this way the vessel will
16 be forced to load its double compartments and its
17 tanks.

18 Q. What I want to get at: As it is on the St. Lawrence
19 the areas on the river are protected, to a certain
20 extent. Do you think that the present situation
21 demands the precautions you are advocating should be
22 taken?

23 A. Yes. In the case of a strong wind and narrow channel,
24 like you have at the mouth of the Saguenay River
25 or going out of Montreal, this can be very dangerous
26 for a vessel, even more dangerous if there is another
27 ship sailing towards it on a straight line.

28 Q. At present, in the example which you have quoted to
29 us, the Saguenay, in the case of the vessels which
30 go to Montreal to load wheat, do they proceed



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2 completely without ballast?

3 A. Well there is always some fuel oil but many of them
4 are without ballast. You have ships which come from
5 overseas with ballast in their water tanks or in
6 their double bottoms and very often they have
7 disposed of it without realizing that it would be
8 wise to keep some of it until they reach final
9 destination.

10 Q. When you say that they did not foresee that it would
11 be feasible to keep some, do you mean that they had
12 to get rid of it before entering the St. Lawrence
13 River so as to avoid pollution?

14 A. Yes. That was a reason in certain cases.

15 Q. However, can you quote me one single case where
16 the lack of ballast was the cause of an accident,
17 to your knowledge?

18 A. I have one in mind but I can't say it was really
19 because of the accident in the light of the enquiry.
20 Anyway, I would have to check.

21 Q. Could you give me the name of the ship?

22 A. It was a boat from the Donaldson line, I think,
23 the LAURENTIA. It was an oil tanker.

24 MR. JACQUES: Did this happen in your
25 District? Do you remember in which year it happened?

26 THE WITNESS: It happened in Montreal District.

27 MR. JACQUES: Well you could check during the
28 adjournment.

29 THE CHAIRMAN: If you are going to get on to
30 another subject, we are going to adjourn first and



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2 we will meet again at 2:30.

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4 ---Luncheon adjournment.

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1 A No, not entirely, because I know that in Montreal
2 harbour a pilot has been fined for having dropped
3 anchor in a prohibited area.

4 Q Fined not directly by the port authorities but
5 through the pilotage authority, which eventually
6 imposed that fine?

7 A Yes, because there had been a breach of the port
8 authority by-law.

9 Q Instead of going through this procedure, do you not
10 think it would be advisable to allow the port
11 authority having jurisdiction over these pilots to
12 impose these fines directly?

13 A Not within the present framework because I do not
14 think the port authority has the competence to judge
15 the pilot, whilst the pilotage supervisor is in a
16 better position to judge the situation.

17 Q In other words, you think the pilot should establish
18 his defence before the pilotage authority rather
19 than the port authority?

20 A Yes.

21 Q If the pilot has a defence, it should be presented
22 to the pilotage authority rather than the port
23 authority?

24 A Yes. The pilotage authority may consult with the
25 port authority regarding that matter.

26 Q You did not answer my question, I think, to the
27 effect that if the pilot was granted compulsory
28 pilotage in the districts of Montreal harbour and
29 the Seaway, the pilot in turn would be ready to
30 accept the jurisdiction of the authorities



1 concerned, that is of the Montreal harbour or the
2 Seaway?

3 A As a free contractor you have proposed that to me
4 and I would like to discuss that matter with the
5 pilots thoroughly before answering the question.

6 Q I would like now to proceed to recommendation No.
7 19, paragraph 537 on page 204, where it is stated
8 that all areas where pilotage exists must be trans-
9 formed into pilotage districts under the authority
10 of the Commissioner of Pilotage, and so forth.

11 Do you include in these areas mentioned
12 here areas where, for example, there is only one
13 port pilot or two harbour pilots who undertake the
14 service, for example, along the northern coast of
15 the St. Lawrence?

16 A Yes.

17 Q When you prepared this recommendation, did you
18 think about the possibility of establishing a
19 corporation which would encompass all these pilots,
20 which would be similar to the corporations existing
21 in the other districts of the St. Lawrence?

22 A No, we thought that a pilotage district should be
23 established for the lower St. Lawrence and it should
24 include the harbours such as Rimouski, Forest Hill,
25 Port Cartier, Seven Islands and Baie Comeau.

26 THE CHAIRMAN: And Gaspé?

27 THE WITNESS: And Gaspé. Then you
28 have certain harbours which have insufficient income
29 to be able to pay the services of the pilot. On
30 the other hand, you have certain harbours which are



(French)

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BEDARD

1 quite near to each other and sometimes a pilot may
2 go to some of these other harbours to render
3 services. If the pilots desire to start a
4 corporation in a given area, they are entirely free
5 to do so. It is not up to us to impose a structure.

6 BY MR. BRISSET:

7 Q The Federation of St. Lawrence Pilots is not likely
8 to suggest that these pilots, when this district
9 will have been established, should establish a
10 corporation such as those existing in Quebec,
11 Montreal and so on?

12 A I do not know what the president of the board of
13 directors desires to do in the future, but if you
14 want my own personal opinion I think it would be a
15 good idea to do so.

16 THE CHAIRMAN: You indicate here all
17 areas where pilotage exists in the present situation
18 or the future situation. Do you mean whenever
19 someone wants to perform the duties of a pilot in a
20 district he will have to be organized?

21 THE WITNESS: A pilotage system will
22 have to be organized where it exists at the present
23 time or where it could exist later on.

24 THE CHAIRMAN: This could not be done
25 unless a district was established?

26 THE WITNESS: Yes, under the super-
27 vision of the Commissioner of Pilotage.

28 THE CHAIRMAN: And this would
29 exercise a certain control over the Gaspé situation?

30 BY MR. BRISSET:



1 Q Mr. Bedard, it is not that I question the
2 advantage that will exist in exercising a super-
3 vision over pilots who perform their duties along
4 the coast of the St. Lawrence, for example, but I
5 would like to suggest that another solution would be
6 to leave to the port authorities (which would have
7 an interest in the development of their respective
8 harbours) the care of organizing pilotage services
9 and of supplying the necessary pilots. Do you
10 think such a system would be more advantageous than
11 the one you are proposing?

12 A I think one of the advantages would be that as it
13 exists at the present time a pilot who is attached
14 to a harbour cannot work for another harbour.

15 MR. LALONDE: Did you say an
16 advantage or a disadvantage?

17 THE WITNESS: A disadvantage. I
18 said it would be a disadvantage.

19 When you mention authorities in a private
20 harbour, you necessarily mean the company and it is
21 seen today that the development of the harbour
22 would certainly be in the interests of a company.
23 What happens today is that the pilot becomes a
24 wage earner, which represents a great benefit for
25 the company because it involves pilotage dues which
26 give an income at times three to four times higher
27 than what he gets himself. The concept of the
28 free contractor is really encroached upon then and
29 you find that one person is being exploited to the
30 advantage of the company.



(French)

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1 BY MR. BRISSET:

2 Q Would you not create a more rigid situation than
3 at present? You have the monopoly over everything
4 without any government supervision whatever. When
5 you made such a statement did you take into account
6 the fact that in addition to the pilots' services
7 there are also administration costs for this
8 pilotage service?

9 A Yes.

10 Q In spite of this do you conclude that in certain
11 cases, about which we have heard, there could be
12 abuse?

13 A Well, one derives great benefit from the pilot.

14 Q You do not think that is fair?

15 A I do not think it is fair. I do not think it is
16 normal.

17 MR. LALONDE: The witness wants to
18 diminish the cost of the shipowners.

19 BY MR. BRISSET:

20 Q Is it not the aim of private enterprise to make
21 profits?

22 A Probably.

23 Q In other words, you do not apply the same rules to
24 these companies as you would apply to the pilot
25 organizations?

26 A These companies are not there to exploit pilotage
27 service or run the whole harbour, the whole
28 industry in other words.

29 Q But the harbour has been built at their expense?

30 A Yes, and they have an absolute control. They may



1 charge the amount which they wish to charge. If
2 there is a shortage at the time they can charge the
3 price they wish for pilotage dues. I think the
4 shipowners are even less protected in such a case
5 than if there was supervision from a commissioner.

6 Q Therefore you bear in mind the interests of the
7 shipowners?

8 A The shipowners and the pilots no doubt often have
9 the same interests.

10 Q Will you take recommendation No. 20 "Basis of
11 Pilotage Tariff". In paragraph 548 you recommend
12 that the tariff in all the districts be based upon
13 the net or gross tonnage of the draught of the
14 vessel, and you have filed Exhibit No. 882, which is
15 a list of various harbours in Europe. In this list
16 one can see the basis of tariffs in force in those
17 harbours. Do you agree with me when I say that
18 these are purely technical questions in regard to
19 the setting up of pilotage tariffs?

20 A Yes.

21 Q I suppose that is the reason why, when pilots have
22 presented their grievances each year, for the last
23 few years they have at the same time presented
24 briefs prepared by experts, by economists, to say
25 how tariffs should be reviewed, increased, and so on
26 and so forth.

27 A That is so. In this recommendation we bear in mind
28 the idea that pilotage must be based on a chart
29 system, on a price chart system. That is, the
30 ship which has the highest possibility of revenues



1 in regard to passengers or cargo should be the ship
2 paying the highest dues for services. Usually the
3 difficulties and the knowledge demanded from the
4 pilots are greater and require more attention.

5 There is also the question of stress. A pilot has
6 always to be on the watch, and even more on a big
7 vessel than on a small vessel. Therefore, taking
8 into account all these factors, we want to base the
9 tariffs proportionate to the size of the vessel.

10 Q During your evidence I have understood that the real
11 tonnage of the vessel entails a lot of difficulties
12 bearing in mind the fact that the tonnage varies
13 according to whether there is an open shelter deck
14 or a non-open shelter deck?

15 A Yes.

16 Q Do you not believe it would be advisable to
17 simplify the system used?

18 A If you can find a good scale to simplify the
19 system, I think we would all agree insofar as the
20 scale would be proportionate.

21 Q What would you say about a system which could be
22 introduced here on the basis of the length, the
23 draught and the distance covered?

24 A It is a little difficult to answer like that with-
25 out having had an opportunity of studying the
26 problem. I would have to study it and consult
27 with my colleagues.

28 MR. JACQUES: We have had evidence
29 from a few pilots saying it was not more difficult
30 to pilot a big ship than a smaller vessel.



1 THE WITNESS: In certain cases, but
2 generally speaking a bigger ship is more difficult
3 to pilot than a smaller one. There are cases when
4 a small vessel is extremely difficult to pilot, even
5 more difficult than a bigger one, but that is an
6 exception.

7 BY MR. BRISSET:

8 Q However, in the light of your experience as a pilot,
9 having piloted ships of various sizes, would you
10 say the length of the ship in your opinion gives a
11 fair idea of its size? I ask you this since you
12 have mentioned dimension or size.

13 A Do you mean proportionate to the tonnage?

14 Q Instead of tonnage.

15 A Mr. Brisset, the question would have to be studied
16 thoroughly.

17 Q You would prefer to consult with your economist?

18 A Yes, I certainly would have to study the matter
19 further.

20 THE CHAIRMAN: Before you turn to
21 another subject I have a comment to make. There is
22 a question of distance to be taken into account,
23 particularly with regard to river pilotage. With
24 regard to harbour pilotage we wonder whether this
25 factor is valid. One must also know the basic
26 principle of the tariff. Must the tariff be
27 proportionate to the responsibility, or should it
28 be considered simply as a tax which the shipowner
29 or the vessel has to pay for the service? In
30 that case, it could be like a land tax really. It



1 all depends upon the principle which you adopt.

2 Are we going to evaluate the tariff
3 according to the responsibility of the pilot or the
4 difficulties he has to face in such and such a
5 ship? In that case, we would have to say that a
6 ship which was built in 1925 should pay more than a
7 ship which is equipped in a modern way. We should
8 find certain standards; we should find a
9 philosophy in which the guiding lines should make
10 it possible to establish a tariff.

11 THE WITNESS: We talked about the
12 net or gross tonnage as it appears in the certificate
13 of registration. Our experience in the St.
14 Lawrence and the experience which we have found
15 in other countries is that usually they try to
16 establish a proportion of the size of the ship and
17 the draughts. In certain countries the distance
18 factor is also taken into account. Therefore
19 this table was prepared with the aim of showing
20 which factor, draught, tonnage or size of the boat
21 was used in the other countries to establish the
22 tariff to be charged.

23 BY MR. BRISSET:

24 Q These are very technical questions and I realize
25 that consequently it is rather difficult for you
26 to reply to the questions I have just put to you.
27 I do understand that.

28 A First of all, one would have to study the problem.

29 MR. LALONDE: The system now in force
30 in the St. Lawrence, in the Montreal district and



1 in the Quebec district, is the result of a study
2 which you have had experts make for you?

3 THE WITNESS: That is correct. For
4 a number of years we have had this study.

5 BY MR. BRISSET:

6 Q Do you not think it would be of interest to the
7 pilot, particularly from a financial point of view,
8 not to have to enter into these technical dis-
9 cussions and to leave the question of tariffs to
10 be decided between the shipowners (who are the main
11 people concerned) and the government authorities,
12 so long as the pilot is assured of a reasonable
13 income?

14 A No, I do not think so at all. I do not think that
15 would be advisable. I think the pilot should be
16 interested in these tariff discussions.

17 Q With the help of economists and other advisers?

18 A Yes.

19 THE CHAIRMAN: It seems that the
20 main interest is that of being adequately
21 remunerated, whatever the system. Any system
22 would be good as long as the remuneration is
23 adequate and safe? Do you agree?

24 THE WITNESS: Yes - good remuneration
25 and safety of remuneration - those are important
26 matters because in one year one system may be good
27 and then it may be bad for the shipowners or for
28 some other party.

29 THE CHAIRMAN: That is why a fixed
30 tariff for one trip, as is applied in certain



1 districts like Cornwall, is adequate whereas it
2 might not be adequate in some other district.

3 THE WITNESS: In Montreal the
4 tariff is fixed and all ships, big or small, pay
5 the same. We wonder whether the companies which
6 have bigger vessels have decided that they would
7 favour that.

8 MR. LANGLOIS: It is a type of
9 property tax, as Your Lordship mentioned.

10 MR. JACQUES: For all practical
11 purposes the pilot receives salary dependent on
12 the size of the ship.

13 THE WITNESS: No. At the end of
14 the year you may see it according to the size of
15 the vessel piloted in the district.

16 MR. JACQUES: Not in the district.

17 THE WITNESS: Well, at the end of
18 the year it is equalized. Pilots of the same
19 grade will receive income according to the tonnage
20 piloted.

21 THE CHAIRMAN: In the case of a
22 fixed tariff, for example, it might take six or
23 seven vessels to go over the same distance while
24 today you take only one vessel, so the pilot should
25 find out whether the tariff is adequate to his own
26 mind or whether it should be changed.

27 BY MR. BRISSET:

28 Q At any rate, in all the cases where the tariff is
29 to be fixed, Mr. Bedard, the corporations pool
30 their earnings and eventually there is a



1 distribution of the earnings?

2 A That is correct.

3 Q I would like now to proceed to recommendation 23 on
4 page 215 where it is said that the amounts paid for
5 cancellation of departure are inadequate. This is
6 paragraph 575. Is it not a fact, Mr. Bedard, that
7 in the past when these costs were subject to
8 negotiations, the pilot took the stand that for
9 them it was not a mere matter of income but rather
10 an imposition of a penalty or fine to vessels which
11 might be responsible for a cancellation or
12 detention?

13 A I think we have used that argument, yes.

14 Q So the pilots have changed their stand now? For
15 them it has become a question of income?

16 A I think it is both a penalty to vessels and a
17 question of income. If the penalty is high enough
18 from the viewpoint of the cost of a cancellation,
19 I think the master or agent is going to think about
20 it twice before calling a pilot. I prefer to stay
21 home and not do this trip for nothing. If there
22 is a penalty, the one who had to go to answer this
23 call has to be remunerated.

24 Q Regarding recommendation No. 25, paragraph 579, I
25 have just one comment to make, and it is not too
26 serious. I notice that the pilot, aside from the
27 subsistence allowance, has transportation costs
28 first class. Does that mean that if he comes back
29 from London to Montreal by air we will have to pay
30 him a first class trip?



1 A I think that first class has always been used for
2 many years. I know that when there have been some
3 pilots who have come from foreign countries by air
4 they have come tourist class.

5 Q I do not think my question was very serious. Let
6 us go on to page 218, recommendation 27, which deals
7 with the request for two pilots to be on board
8 during the winter navigation season. Are you aware
9 that at times during the winter season, especially
10 at the beginning of the season, it has been
11 impossible to supply the vessels with two pilots?

12 A Yes.

13 Q Do you think when it is not possible to supply the
14 vessel with two pilots we should pay double tariff
15 just the same?

16 A Yes.

17 Q For what reason?

18 A Here we have an example of what may give rise to
19 initiative on the part of the free contractor.
20 For the past years you had an increase in the
21 maritime traffic over previous years in the month
22 of December. You may have a period when only a few
23 pilots are available and they decide to undertake
24 the trip alone in order not to delay the vessels.
25 If they do not leave immediately, the vessel loses
26 twenty-four hours. One of the reasons why they
27 cannot leave as fast is because if they had under-
28 taken the trip with another pilot he would be more
29 rested. If he makes an additional effort and
30 pilots the vessel immediately without waiting for



(French)

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BEDARD

1 twenty-four hours, I do not think there should be
2 a penalty against him and part of the tariff cut.
3 Q Let us go on now to recommendation No. 30, paragraph
4 93, which deals with the procedure in cases of
5 violation of by-laws by pilots and maritime
6 accidents, page 220.

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1 FRENCH

2 ---UPON COMMENCING AT 2:30 P.M.

3

4 CROSS-EXAMINATION BY MR. BRISSET CONTINUED:

5 THE WITNESS: Mr. Brisset, the information
6 you asked for this morning regarding the fact that
7 a vessel would have been displaced by a strong wind,
8 well this casualty occurred about a little bit more
9 than two years ago in the Richelieu.

10 MR. LALONDE: When you refer to the Richelieu,
11 this is in the rapids?

12 THE WITNESS: This is in the rapids of the
13 Richelieu, and the vessels involved were a vessel
14 from the Donaldson Line and the other one was the
15 SEA TRANSPORT. I had the opportunity of discussing
16 that question with my colleagues this morning and
17 I was told that the vessels on ballast and difficult
18 to handle are not vessels from the regular lines
19 coming here but rather vessels that would come here,
20 for example, get a load of grain and who would go
21 upstream on the river on ballast.

22 MR. JACQUES: This evidence about the
23 casualty you mentioned took place between the SEA
24 TRANSPORT and the CALGARIA on September 1st 1961.
25 I must add that in that case the exact cause for that
26 collision was not determined. One of the pilots was
27 not suspended because the commander of the vessel
28 took charge of the vessel at a given time. He had
29 given an order.

30 MR. LANGLOIS: Was he the pilot my colleague



1 FRENCH

2 was defending?

3 MR. JACQUES: That is correct. He has not
4 been suspended your lordship.

5 MR. LALONDE: The colleague or the pilot?

6 MR. JACQUES: Both. I must say that this
7 case, your lordship, has been settled on the basis
8 that both parties had an equal share in the blame.

9 THE CHAIRMAN: Do you mean without admission
10 of responsibility on the basis of compromise?

11 MR. LANGLOIS: This is time to say that it
12 was blamed on the weather but not on the company.

13 Q. At any rate, Mr. Bedard, would there not be a
14 solution to the problem that may arise? That is,
15 in the case of a vessel that would not have suffic-
16 ient ballast the solution to that would be for the
17 pilot to drop anchor if the weather conditions
18 become such that he considers it would be dangerous
19 for the vessel to go on its course?

20 A. The pilot can recommend to the commander to drop
21 anchor because of certain difficulties which are
22 foreseen in the restricted waters, or narrow channel.
23 Naturally, the master may always refuse this advice
24 and may still go on; give the order to proceed.

25 Q. Mr. Bedard there is a question I forgot to ask you
26 regarding disciplinary measures which might be
27 taken against the pilots and the procedure to be
28 followed in order to enforce them. My question is
29 the following: To your knowledge have certain
30 pilots at certain times shown that frequently enough



1 they were using alcoholic beverages and that this
2 may have given rise to problems in the administration
3 of pilotage in your District?

4 A. Well this is a problem that exists with a very small,
5 minority of pilots but just the same, this is a
6 problem that has come up to the surface and this is
7 a problem where I for one believe that the pilots
8 could more easily prevent such abuse than would be
9 the case with the central authority, as is the
10 case at the present time.

11 Take the case of a young pilot who would make
12 an abuse of alcoholic beverages and this is to the
13 knowledge of his colleagues, and those colleagues
14 would have disciplinary powers against him, I think
15 that upon the first report of breach, well an
16 immediate intervention might be made and then you
17 could cure the case at its origin or what occurred
18 in the past is that to the knowledge of pilots such
19 events took place without the pilot or the Committee
20 having disciplinary power and when the whole case
21 was brought to the attention of the Pilotage
22 Authority who has the present responsibility in
23 Ottawa, perhaps the cases were at times exaggerated,
24 and that being the case more frequently than not.

25 MR. JACQUES: What do you mean by exaggerated
26 or aggravated?

27 THE WITNESS: Well I mean that a person who
28 starts to drink and may be intoxicated only once
29 per month or once every six months but when leniency
30 is shown towards him, well let us say in this case



1 FRENCH

2 it may be more frequent.

3 Q. In other words, past experience has shown that
4 appropriate measure have not been taken as early
5 as they should have been taken in order to avoid,
6 for some pilots, to go on with his bad habits, if
7 I may use that expression?

8 A. Yes, I agree.

9 THE CHAIRMAN: If you allow me, Mr. Lalonde,
10 before we go on any further I would like to make
11 a comment regarding the administrative Court, what-
12 ever the name of such a Court; administrative Court,
13 whether this is a superintendent, the master pilot
14 or on another scale, well we talk about the
15 establishment of tariff and the disciplinary measures.
16 I think that we should consider true jurisdiction of
17 an administrative Court. Those which are purely of
18 an administrative order, or where the tribunal or
19 the Court exercises certain discretion in the
20 enforcement, and the other would be a qualified
21 judicial Court where the Court would be bound by
22 established rules that it must follow and enforce
23 and where certain data are submitted to him and having
24 determined what data have been proved, then the
25 Court must apply the rules as they exist. This is
26 the judiciary and the other one would be purely of
27 an administrative order so you have the judiciary
28 matter and also the pilotage question, so these
29 matters are entirely different and perhaps would not
30 require the same procedure. I don't know it all.



1 FRENCH

2 This is only my reaction about that. You must
3 provide for both situations, in both cases.

4 MR. LALONDE: In effect, your lordship, there
5 are still many commissions and organizations which
6 have joint powers at the same time they are not
7 quasi judiciary and administrative. For example, in
8 the field of tariff this is more or less an
9 administrative function but I imagine higher courts
10 would advise regarding penalties and suspensions, and
11 certainly interfere through ~~certiorari~~. In other
12 words, there might be a possibility of appeal to a
13 Minister.

14 THE CHAIRMAN: I just established a distinc-
15 tion which to my own mind was necessary and who was
16 to define the procedure that should be followed and
17 adopted.

18 Q. I would like now to pass on to recommendations number
19 32, 33 and 34 having to do with radio telephone
20 signals, luminous signals, wheelhouse instruments.
21 I would not want to question or to say anything
22 about these recommendations but I would like to
23 respectfully submit to the Commission, however, that
24 if certain recommendations are to be contained in
25 its eventual report, these recommendations be to the
26 effect, suggestions be made to the Government
27 submitting its own opinions about this question to
28 the International Organization which would have
29 jurisdiction in that field and I am referring to
30 IMCO, the International Maritime Civil Organization



1 FRENCH

2 because you must realize, I am sure, that these
3 recommendations have to do with the way a ship must
4 be built and how this vessel must be equipped and
5 naturally that falls within the competence of an
6 International field. Are you in agreement?

7 A. Yes, I agree.

8 Q. Now if we go on to recommendation number 35:
9 Derricks in a hoisted position. According to your
10 experience are ship's masters ready to accept the
11 advice of a pilot if it became necessary to take
12 steps so as not to obstruct the vision of the pilot?
13 In other words, did it ever happen in your experience,
14 or with others, that a vessel sailing on the river
15 with these derricks in a hoisted position, or rather
16 the master of a vessel would have refused to place
17 them in such a way as they would not obstruct the
18 view of a pilot?

19 A. In a period of six years of pilotage, this has
20 happened only once and the time when that occurred,
21 the visibility was not very good and it was a true
22 obstruction and I asked the Commander and the
23 Commander said yes but he never did anything to that
24 effect, so I pestered him many times. He always
25 said yes, and then forgot. This is a provision
26 which is very important, to my mind, and I think
27 that the ship's master should be compelled to take
28 the necessary steps whenever such a request is made
29 on the part of the pilot.

30 Q. Then would it be fair to say as a general rule you



1 FRENCH

2 receive the full co-operation of the ship master
3 relating to that matter?

4 A. Yes.

5 Q. I now go on to recommendation number 38, page 224
6 in which you talk about Maritime Police and if I
7 understood your evidence properly, you have under-
8 lined that this Maritime Police could more particul-
9 arly undertake the supervision for small vessels
10 going on the ship channel, on the Seaway in order
11 to be sure that these schooners and these small
12 vessels follow the by-laws?

13 A. I did not say that, because when I mentioned small
14 vessels I was talking about pleasure yachts, or
15 pleasure crafts.

16 Q. Do you think that this Maritime Police could have
17 a part to play regarding the navigation of these
18 small vessels of the schooner type?

19 A. Well everything is dependent upon the authority
20 of the scope of action of the Maritime Police. If
21 this Maritime Police has enough powers regarding the
22 by-laws for small navigation, then it is possible
23 that this would be an additional responsibility that
24 should be given to the Maritime Police, but then
25 would they be forced to patrol the whole river and
26 the Gulf of the St. Lawrence?

27 Q. I am told that in certain jurisdictions the masters
28 and mates of these small coastal vessels of the
29 schooner type are given a pilot's certificate.
30 This falls within the competence of the Pilotage



1 FRENCH

2 Authority and in the case of breaches to a given
3 by-law, these certificates may be suspended or
4 revoked. Do you think that such a regulation would
5 be useful in the Canadian waters of the St. Lawrence?

6 A. It does not exist at present.

7 Q. No, it does not exist in Canada but I am informed
8 that in certain jurisdictions, particularly in
9 Great Britain, it does exist.

10 A. I don't think so. I believe the master of these
11 schooners have certified licences, or have at
12 least a permit and in most cases, formerly at least,
13 I have understood that these permits have to be
14 renewed from one year to another.

15 MR. LANGLOIS: I think that Mr. Brisset's
16 question referred to what happened in other countries
17 than Canada. Here in Canada since the Cannon
18 Commission, which was mentioned yesterday by
19 Commissioner Smith, certain alleviations to the
20 competency certificate have been made. Certain
21 types of coastal vessels were issued competency
22 certificates for boats 150 gross tonnage, and then
23 this was raised in 1956 to 350 gross tons but that
24 does not mean that the permits have to be renewed
25 every year. These are just steps made to make the
26 regulations more flexible. There is an oral
27 examination about the rules of the traffic and,
28 therefore, this is a sort of slackening off of the
29 permanent rules. These are permits limited to a
30 certain tonnage.



1 FRENCH

2 A. My question, Mr. Brisset, was whether there was
3 certificates given to masters of ships to pilot
4 in the St. Lawrence. If they did not conform to the
5 regulations at that time, they would be deprived of
6 the certificate of pilot for these waters.

7 Q. In other words, this would give a certain competency
8 to the Pilotage Authority. This competence is not
9 enjoyed at present and the aim would be to put into
10 force the by-laws regulating traffic.

11 A. However, I rather think that if the master of the
12 ship had not applied the regulations, a suspension
13 should be put on their Master's certificate, rather
14 than creating a new certificate which would be
15 possibly taken away from them.

16 Q. In other words, you do not think supervision carried
17 out by the Pilotage Authority could have an
18 advantage?

19 A. As provision made by the Minister of Transport,
20 according to the competence of the Master, that is
21 enough. If the Master does not apply the regulations,
22 as regards the local regulations and the general
23 regulations, I think he can be deprived of his
24 certificate, rather than admitting a second certifi-
25 cate and possibly taking it away from him.

26 MR. LANGLOIS: The issuing of the certificates,
27 your lordship, depends from the same branch as the
28 one which represents the Pilotage Authority, that
29 is the regulation and by-law authorities.

30 Q. The reason why I put the question, Mr. Bedard, was



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1 FRENCH

2 that according to the proposed system, it would
3 seem that in the case -- in the system proposed by
4 the Federation of the Pilots, one divorces, so to
5 speak, up to a certain point, the administration of
6 pilotage from the Transport Department as it exists
7 today.



1 FRENCH

2 As regards the member delegates from the Federation
3 which I discussed about the recommendations made
4 to this Commission in June 1963, are these delegates,
5 most of them, members or administrators of the
6 Federation as I seem to have noted here in the
7 course of the witnessing?

8 A. No. The administrators of the Federation are the
9 minority amongst the delegates, the member delegates.
10 There were 32 member delegates and ten administrators.

11 Q. You were also mentioning complaints from the
12 Norwegian ship owners. You went to Norway yourself
13 but you said you had not heard about these complaints.
14 However, did you have an opportunity to examine the
15 functioning of pilotage in Norway from that point of
16 view?

17 A. We have had an opportunity to examine pilotage in
18 Norway -- from which point of view do you mean?

19 Q. First of all, you spoke about the rota pilots. I
20 would like to refer you to article one of the
21 Norwegian Pilotage Act of April 9th 1948. Your
22 lordship, the Commission tells me that this document
23 has already been filed before the Commission, but it
24 is being translated at the present time.

25 THE CHAIRMAN: It has already got an Exhibit
26 number. Number 891.

27 Q. There are three categories of pilots, C pilot and

28 ENGLISH

28 I quote: "A" C" pilot means a state pilot who mainly
29 pilots vessels in from open sea. Rota means a
30 state pilot who mainly pilots vessels along the



1 ENGLISH

2 coast or out to open sea and route pilot means a
3 pilot appointed by a ship owner."

4 FRENCH

5 In your evidence you referred to the
6 existence of these three groups of pilots and that
7 means there are some state pilots and some private
8 pilots so to speak. You also mentioned that there
9 were also pilots who were free contractors. Were
10 you referring to the pilots of the Oslo Harbour?

11 A. Yes, those of the Harbour Oslo.

12 Q. Is it not true to say that in Norway the vast
13 majority of pilots are pilots who are Civil Servants,
14 one way or another?

15 A. Yes, that is correct.

16 ENGLISH

17 COMMISSIONER SMITH: Excuse me. Who fixes
18 the pilotage rate there?

19 MR. LALONDE: The pilotage rates are fixed
20 by the Government. Yes, Section 2 -- I looked too
21 far. Section 2 of the Act: Navigation monies
22 inward, navigation monies outward and mileage monies
23 and pilotage fees to the State Exchequer are pilotage
24 monies." They have various forms for their tariff
25 according to whether the ship is coming in or going
26 out or travelling along the coast, etcetera. "The
27 King , subject to the approval of the Storting..."
28 which I understand is the Parliament "...fixes
29 tariffs for pilotage monies and for special services
30 rendered by State pilots."



1 ENGLISH

2 COMMISSIONER SMITH: Thank you.

3 FRENCH

4 Q. Do you know that in Norway vessels have to pay
5 on top of the pilotage rates other forms of dues
6 like, for instance, light dues and cargo dues?
7 Page 139 of your notes, paragraph H 2. I refer the
8 Commission to page 1276 of the Report of the World
9 of 1961 which I have already quoted.

10 A. This is correct. The light dues are paid for the
11 maintenance of lighthouses.

12 Q. Is that a practice which you have seen in certain
13 places in Europe particularly?

14 A. Yes. In several countries dues are charged for
15 the maintenance of buoys and lighthouses.

16 Q. Is that the case in England?

17 A. Yes, it is.

18 Q. Are these dues collected in Canada?

19 A. No.

20 Q. As regard the complaint made by the Norwegian ship
21 owners, have you ever examined the nature of the
22 harbours along the Norwegian coast?

23 A. Yes. Mr. Brisset mentioned part of the report
24 this morning that it was understood that the ship
25 owners did not want to enter a certain harbour in
26 Norway because pilotage dues were too high. There
27 is a multitude of small harbours along the Norwegian
28 coast and if there are small quantities of cargo,
29 it is not interesting of course to enter into a
30 harbour just for a small amount of cargo. In that



1 FRENCH

2 case, it depends on the number of tons and it may
3 be, of course, cheaper to use a lorry to transport
4 things from one village to another, for instance.

5 THE CHAIRMAN: Which was the case of aluminum
6 in Kitimat?

7 Q. Did you have an opportunity when you were in France
8 to hear about the cost of pilotage as compared to
9 the general harbour expenditure? Do you have any
10 information?

11 A. If I remember well, I mentioned 2 to 8%.

12 Q. Who gave you this figure?

13 A. The Secretary-General of the Federation of French
14 Pilots, Mr. Lupors.

15 Q. The cost varies according to the nature of the
16 harbour. The administrative cost, the pilot boat
17 expenses, and so on?

18 A. Yes.

19 Q. You are aware that pilotage is compulsory in the
20 Great Lakes and also in the Kingston District. The
21 rule is that of compulsory pilotage and not the
22 compulsory payment of pilotage dues. In this
23 District did you ever have to face a complaint from
24 the St. Lawrence Seaway authority concerning the fact
25 that it would not have competence over the St.
26 Lawrence Pilots or the Cornwall pilots where the
27 system is that of payment of compulsory dues?

28 A. No. On the contrary, they seem not to have an
29 interest in the matter and to leave the pilots
30 under the jurisdiction other than that of the Seaway.



1 FRENCH

2 Q. Now about the experts which the pilots employed to
3 deal with the question of tariff, during your
4 negotiations did you ever have a counter report or
5 counter proposal made by experts on behalf of the
6 ship owners in the field of tariffs?

7 A. No.

8 Q. You mentioned personal experience which supposedly
9 happened in the case of negligence of the Captain
10 who did not put down his hoisting mast. Did you
11 have complaints from colleagues saying that the same
12 thing happened to them?

13 A. Yes, I did.

14 Q. In the course of your discussion about the possibil-
15 ity of conflict between two Districts, or disagree-
16 ment between two Districts, did you not provide that
17 the Commission on pilotage should have competence
18 to decide?

19 A. Yes, we did.

20 Q. No more questions your lordship.

21 MR. LANGLOIS: Your lordship I have some
22 explanation. I might have been unfair earlier on
23 when I made the American Railways bear the
24 responsibility for the delay of 24 years in the
25 achieving of the Seaway. I must add that there
26 were two opposers: The American Railway Companies
27 were the owners of the main harbours along the
28 United States Coast and also the coal companies
29 which believed in the potential of the St. Lawrence
30 and who thought that that would be a great competitor



1 FRENCH

2 to the industry of coal in the Western States.

3 I refer the Commission also to this position
4 -- I refer it to the report of the American Congress,
5 the law which was passed about the development of
6 the St. Lawrence Seaway. I would like to say that
7 there are some excellent books, and very good
8 literature on this important achievement. Particul-
9 arly one, the first one dated back to the 30's, the
10 engineer was, I think, Murray who had carried out
11 a study of the possibilities of the St. Lawrence
12 Seaway. The second book is a more recent one dating
13 back to 1956 or 1957 and the author is the Honourable
14 Lionel Chevrier who is President of the St. Lawrence
15 Seaway and who was previously Transport Minister.
16 This book is entitled: "The St. Lawrence Seaway".

17 MR. LALONDE: There is also a nasty rumour
18 which goes on, your lordship, to the effect that
19 certain lake ship owners would have opposed the
20 building of the St. Lawrence Seaway but we cannot
21 say nasty things about those who are not present.

22 ENGLISH

23 COMMISSIONER RENNICK: I would think the
24 last two speakers must agree these railroads and
25 other interests are free enterprises fighting for
26 their lives. They were going broke by the hour.
27 They were doing the natural thing.

28 MR. LANGLOIS: Far be it for me to blame
29 them sir.
30



1 FRENCH

2 Q. In the course of your evidence, Mr. Bedard, and
3 in answer to a question put by Mr. Lalonde, or
4 during the last few minutes, you have given
5 percentages regarding pilotage dues as compared
6 to tariff charges in certain countries such as
7 France and also in Norfolk. Is it not true that
8 in each case in order to determine this percentage
9 one includes into the port charges the charges for
10 loading and unloading?

11 A. Yes. The Exhibit we have filed, and maybe checked
12 by the Commission is that of the Coast of Norfolk
13 and about France, this is something that has been
14 supplied to us by the Secretary-General of the
15 Federation of French Pilots.

16 MR. LALONDE: I think I obtained a report
17 from the economic council of France on this subject
18 and if I can find it, I am going to file it as an
19 Exhibit and then we are going to obtain the exact
20 details regarding the basis used.

21 Q. Mr. Bedard I was just told that I forgot to ask
22 you certain questions regarding a particular system
23 of pilotage which I am told works very smoothly and
24 this is with Sweden. Did you make a special study
25 of that system?

26 A. No, not a thorough study.

27 Q. Did you go to Sweden?

28 A. Yes. They are State employees for most harbours.
29 There are still a few harbours where they are free
30 contractors, but rather in private harbours and this



1 FRENCH

2 is about the oldest system of state pilot that we
3 have seen, and it dates back a few hundred years.
4 They were even called King's Pilots for two or
5 three years.

6 Q. Is it not true to say that the system has been
7 modernized in order to adapt itself to our modern
8 conditions?

9 A. Not too much so.

10 Q. However, are you in agreement, or can you confirm
11 the point I was told that this system works wonder-
12 fully well, without any trouble?

13 A. No, I certainly won't confirm or agree with that
14 idea.

15 Q. According to you what would be the difficulties
16 existing in Sweden regarding the pilotage administra-
17 tion of the service rendered?

18 A. Not so much the administration but the service
19 rendered. The Swedish pilots are not only pilots,
20 they are also in charge of the installation of buoys
21 and go on board the Government vessels and be used
22 as a second mate on board these vessels, and then
23 look after the maintenance of the beacons and they
24 have many responsibilities for lighthouses and they
25 would be even sent as caretakers on a lighthouse for
26 a month or two months. They are given many different
27 types of duties. They are not solely used as pilots.

28 Q. In other words, their work load is such that they
29 still have time to fulfill many other duties?

30 A. Let us say that they have a great number of pilots.



1 FRENCH

2 Q. And to your knowledge do you think that pilots are
3 complaining about the different duties that are
4 imposed upon them, aside from pilotage service?

5 A. Yes.

6 Q. Do they complain because of the workload or because
7 of the remuneration?

8 A. Well because of the remuneration, of course.

9 Q. Do you know what the earnings of a Swedish pilot
10 is, on the average?

11 A. I don't know if we calculated in kroner, but this
12 is about equivalent of a first mate on the Swedish
13 ocean-going vessel so we have asked one pilot, a
14 Union Representative, what was the reason for which
15 they seemed to have a certain facility in recruiting
16 pilots amongst Masters of Swedish vessels and the
17 answer was that a seaman, once he reaches a certain
18 age, seemed to be able to make some sacrifice in
19 order to be near his family but naturally the
20 struggle has started in order that they should
21 receive a remuneration according to their
22 responsibility and their certificates.

23 THE CHAIRMAN: Any further questions to
24 put to Mr. Bedard? Well I wish to thank and
25 congratulate the Federation of the St. Lawrence
26 Pilots for the considerable and wonderful work it
27 has accomplished in the study of the Piloting
28 systems, as well as their legislation. This is a
29 work that must be undertaken by the Commission.
30 Their study will certainly help, because, of course,



1 FRENCH

2 we will have to cross-check everything. We might
3 also perhaps see other countries but this is always
4 extremely useful to have the opinion of other
5 person when one has to undertake a special study and,
6 secondly, the study they have done and their
7 experience and the results they have obtained will
8 certainly help us and tide us in the study that we
9 will have to undertake. I think that the Commission
10 will not be in a position to do the same trips they
11 have done so naturally all their results will be
12 useful but if it should be necessary for us to go
13 to one place or another, we will go but unless it
14 is absolutely essential well we will not travel too
15 much. Any help of that type will certainly be
16 appreciated.

17 THE WITNESS: Thank you my lord.

18 THE CHAIRMAN: And I would also like to
19 congratulate Mr. Bedard for his very clear, precise
20 and orderly evidence and which lasted for many days.
21 We are going to have a short recess now. I think,
22 if I am not wrong, this ends the evidence of the
23 Federation with the reservation of Mr. Martin later
24 on because he is not available at the present time.

25 MR. LALONDE: Mr. Martin is not available
26 at the present time but would be available in
27 February so it seems as he has taken part in the
28 establishment of the apprenticeship scheme, I think
29 he will be the best possible person to give
30 evidence on that subject matter.



1 FRENCH

2 THE CHAIRMAN: I thought you were going to
3 mention Bill 60.

4 MR. LALONDE: I thought that it was not
5 advisable to refer to Provincial matters as we were
6 in the Federal field. His evidence will not be
7 lengthy so I would like to have him give evidence
8 later on.

9 THE CHAIRMAN: Mr. Brisset, are you in a
10 position to start?

11 MR. BRISSET: Yes.

12

13 ---Short recess.

14

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(French
Mr. Brisset)

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BEDARD

1 I do not want to compel you to give an answer to
2 this, but in the course of your trip did you have
3 an opportunity to see that such a system existed,
4 particularly in Great Britain?

5 A Not in the way you have explained. There is a
6 certificate of Captain/Pilot in England for small
7 vessels, but I have not heard that such certifi-
8 cates were withdrawn when there has been an
9 infraction of local by-laws. I do not know, but
10 I have not heard about it.

11 Q One last question, Mr. Bedard. During your trip
12 to Europe when you visited several countries did
13 you have an opportunity to discuss pilotage in
14 various districts? Were you in a position to
15 see whether, generally speaking, a good command
16 of English was required from the pilots to carry
17 out their jobs?

18 A Yes.

19 Q Does this apply to all the countries?

20 A Yes.

21 Q All the countries you visited in Europe?

22 A Yes in the majority of countries, with one or
23 two exceptions where it would not be necessary.
24 Generally speaking, however, a good knowledge of
25 English is requested.

26 Q When you say requested do you mean that it is
27 compulsory in order to obtain a pilot's
28 certificate?

29 A That is so.

30 MR. LALONDE: Is a knowledge of



1 the local language compulsory too?

2 THE WITNESS: Yes.

3 COMMISSIONER SMITH: I would like to
4 raise a matter here about which I have spoken
5 previously. I am prompted to renew it now be-
6 cause of some of the things which have been put on
7 the record by Mr. Brisset with regard to pilotage
8 in Norway which, as I understood the statement,
9 was more than the traffic could bear resulting in
10 the pilots in some harbours and areas and regions
11 asking for authority to reduce pilotage dues.
12 The witness has dealt with that phase of the
13 question.

14 The phase of the matter in which I am
15 interested at the moment is that of the impact of
16 pilotage dues on cargo. I mentioned before that
17 I thought at some stage of the proceedings we
18 should have the amount imposed on a ton of grain,
19 a ton of newsprint, a ton of cement, a ton of
20 general cargo, and perhaps applied to all
21 commodities across the board wherever it could be
22 made. I am hoping, My Lord, that some evidence in
23 this connection will be supplied to the Commission
24 before we terminate our hearings. It might be
25 maintained that it is very difficult to make such
26 an assessment. That will be acknowledged, I
27 think, but it is not impossible. We have it
28 already with regard to a ton of coal; we have it
29 already with regard to a ton of aluminum. I
30 think it would be very valuable if we had it on



1 the tonnage of the commodities right across the
2 board.

3 MR. LANGLOIS: For all pilotage
4 districts?

5 COMMISSIONER SMITH: I was thinking
6 of the St. Lawrence area. I was not thinking too
7 much of any areas outside the St. Lawrence. As
8 far as coal is concerned, we have the evidence
9 for the Atlantic seaboard, and for aluminum we
10 have it for the Pacific, but I was thinking of
11 tonnages for the St. Lawrence ports.

12 THE CHAIRMAN: It is of course for
13 us to appreciate what may be the incidence or
14 importance of the pilotage tariffs regarding the
15 trade.

16 MR. LANGLOIS: As Your Lordship
17 will recall, on the west coast for example I tried
18 to obtain this information when we had witnesses
19 on the stand and they objected most strongly.

20 THE CHAIRMAN: If I recall, you
21 went much further. You tried to ask whether they
22 were able to pay, and it is not really a question
23 of that, it is really a question of whether on a
24 competitive basis the rates would be prohibitive
25 or not rather than whether the company could pay.

26 MR. LANGLOIS: Yes, I went that
27 far because you will recall that the aluminum
28 people said they could not pay their aluminum
29 because of pilotage dues. I wanted them to
30 substantiate that statement and they refused to



1 do so.

2 MR. BRISSET: We propose to have
3 a representative of the newsprint industry before
4 the Commission as well as the Canadian
5 Manufacturers Association.

6 THE CHAIRMAN: I would expect in
7 that part of the evidence that we will hear
8 something about this.

9 MR. BRISSET: We may not cover all
10 possible commodities.

11 THE CHAIRMAN: But the main ones
12 will be covered?

13 MR. BRISSET: Yes, some of them
14 anyway.

15 MR. LANGLOIS: May I offer a
16 suggestion? If we have the incidence and cost
17 of pilotage per ton of certain types of cargo, in
18 order to make a fair comparison with other port
19 charges or terminal charges would it not be fair
20 to have the incidence of cost to the owner for
21 the other port facilities?

22 THE CHAIRMAN: We will let the
23 shipping interests make their evidence and if we
24 find it necessary to have further evidence obtain-
25 ed we will complete that in Ottawa.

26 THE WITNESS: If I may add some-
27 thing here, Mr. Smith, when we prepared our brief
28 the only information that was available to us at
29 the time was the net tonnage of the pilotage
30 ships through the St. Lawrence River in the



1 various districts and the revenue of the tariff.

2 On page 98 of the French text we have prepared the
3 costs per net ton of shipping going through.

4 COMMISSIONER SMITH: I am familiar
5 with that; that is on cargo.

6 THE WITNESS: It is not even cargo;
7 it is on net pilotage ships.

8 MR. LALONDE: Since my colleague
9 has raised this point it might be well to have
10 the incidence of the Shipping Federation dues on
11 net tons of cargo and all that, since my friend
12 has raised the matter of bringing witnesses.

13 THE CHAIRMAN: I think it will be
14 an internal affair.

15 Are there any further questions for Mr.
16 Bedard?

17 MR. JACQUES: While Mr. Langlois
18 reviews his notes I would like to put a question
19 to Mr. Bedard about the organization of the
20 administration services.

21 THE CHAIRMAN: Go ahead.

22
23 FURTHER CROSS-EXAMINED BY MR. JACQUES:

24 Q I have no doubt that the pilots will be in a
25 position to administer such things as despatching
26 in places such as New Brunswick where there is
27 single pilotage, but I can see some difficulties
28 arising along the river where there is an
29 entangling of districts, and at present the
30 despatching for Quebec and Montreal district is



1 more difficult. Montreal is a unique centre.
2 There should be cooperation between the two,
3 between pilots. There is no indication in their
4 brief that a corporation will be established with
5 the possibility that each corporation can set up
6 its own system, and there could be in Quebec two
7 systems of despatching side by side. Have you
8 considered the idea of having one single
9 administrative corporation for these services
10 to pilots which would cover several districts?

11 A We have examined the case of having several
12 districts get together for several reasons, for
13 instance, collection of pilotage dues from
14 vessels. For that we would have a central
15 office. For despatching, at present the des-
16 patching is made in Quebec for the district of
17 Quebec and Three Rivers, and the employers have
18 to make a list one after another, and there would
19 be a joint committee consisting of pilots and
20 employers' representatives. The despatching is
21 done by clerks and the responsibility will be
22 that of the chief pilot. The responsibility of
23 the clerk in Quebec will be applied either to the
24 Montreal pilot or the Quebec pilot.

25 Q Your brief is based upon the principle that each
26 pilotage district is self-elected, it takes care
27 of its own tariff and despatching. This is the
28 principle laid out in your brief?

29 A Correct.

30 Q I do not doubt that there may be cooperation



1 between two districts, but there is no guarantee
2 that this cooperation will exist. Have you fore-
3 seen the possibility of having one single
4 administration for these services covering more
5 than one district --

6 THE CHAIRMAN: Or of a joint
7 administration.

8 MR. JACQUES: -- but with a
9 mechanism such as is established in the law and in
10 which the party should participate?

11 A We have foreseen a certain joint administration
12 at a given time, but as provided for in the law.
13 We did not set forth any provisions to that
14 effect.

15 Q So the administration mentioned in your brief
16 would be only on a voluntary basis?

17 A Yes. There is also the question of the tele-
18 communications. We say the pilot should be in
19 charge of telecommunications from the strict
20 viewpoint of pilotage. Then you have tele-
21 communications from Escoumains to Kingston. At
22 the present time the communications are as
23 follows. It is rented by the government and
24 then operated by clerks, so we suggest it be
25 rented by pilots and then operated by clerks and
26 then we need continuity of cooperation between
27 the pilots in order to retain the necessary
28 information regarding movements of vessels.

29 Q I do not think you grasped what I had in mind.
30 I will give you an example. Say your principle



1 is accepted and the administration is handed to
2 different corporations. In Quebec, let us say,
3 the pilots from Quebec district possibly may not
4 reach agreement with the pilots of the Montreal
5 district. At the present time despatching is
6 carried out by the same personnel from one
7 station. In the case of conflict between the
8 two corporations, according to your brief, it
9 might be possible for the Quebec pilots to decide
10 to have their own despatching station with the
11 result that the Montreal pilots will be com-
12 pelled also to establish a despatching station in
13 Quebec, and the result would be that we would have
14 two despatching stations side by side for the
15 river.

16 THE CHAIRMAN: And a double service
17 of pilot boats.

18 MR. JACQUES: Yes. (To the witness):

19 Q Does the Federation think it is possible to
20 establish a corporation independent from the
21 existing corporations which would be entrusted
22 solely with the administration of a given area of
23 the river, for example from Escoumains to the
24 Lakehead or Escoumains to Montreal so that such
25 services be given by a corporation to two other
26 or more corporations? This master corporation
27 would collect its funds in a given way?

28 A Yes, this was studied a little but not thoroughly.
29
30



RE-EXAMINATION BY MR. LANGLOIS:

Q Mr. Bedard, during the course of his cross-examination Mr. Brisset asked for evidence regarding the pilotage dues in Boston, for example, as compared with pilotage dues in Montreal. Is it not true that such a comparison may be faulty because the more the vessel goes upstream inland the more he has to use land services, which are more costly than maritime services?

A Yes.

Q Even if the pilotage dues in Montreal were higher than Boston, would it not be true to say that for cargoes destined for Montreal it would be even more advantageous to make these vessels pass through Montreal?

A Yes.

Q For these cargoes for the Great Lakes, even for American harbours?

A This is possible.

Q Always in accordance with the shipping of these vessels that would pass by the American coast?

A Yes.

Q During this cross-examination by Mr. Brisset mention was made also of the reasons for or the conditions that would be responsible for the decrease in the coastal services on the American side. Is it not true to say that the main reason for this decrease in the coastal trade in the American side is due to the port charges and especially to the excessively high stevedore



1 charges on the American side?

2 A This is quite possible.

3 Q Is it not a fact also that another reason for
4 the decrease of this coastal trade on the
5 Atlantic coast is due to the fact that in the
6 American ports the port facilities belong not to
7 the state but to the train companies?

8 A I am sorry, but I am not aware of that.

9 Q This is the case in New York harbour, Portland
10 and Boston among others. Is it not a fact also
11 that the same rail companies have fought against
12 the development of the St. Lawrence Seaway for
13 twenty-five years. I am referring to the
14 reports of the Hoover Commission and this question
15 regarding the opening of the St. Lawrence Seaway,
16 and all the lobbying that was done in Washington
17 to keep the American Houses from voting in favour
18 of the opening of the St. Lawrence Seaway.

19 I have the reports of the American Congress on
20 that subject which I can give to the Commission.
21 If it is true to say, as was submitted during the
22 cross-examination, that maritime insurance on
23 the St. Lawrence Seaway in the winter season -
24 the overpremiums as they were called - even if
25 it is true that even in summer the pilotage
26 costs may be to the detriment of the development
27 of the St. Lawrence harbour, how do you explain
28 the fact that today we have shipping companies
29 which try to open Montreal in the winter season,
30 even paying for overpremiums and even paying the



1 \$300?

2 A The pilotage costs and insurance must be com-
3 pensated for by the freight rates that are paid.

4 Q Even in winter and in adverse conditions it seems
5 it is more economic for shipowners to come to
6 Montreal instead of Quebec?

7 A It seems so.

8 Q Consequently it would be even more economical in
9 the summer. Another suggestion was made during
10 cross-examination: you were asked if it would be
11 pertinent, appropriate or good to entrust the
12 port authorities - and in port authorities even
13 the St. Lawrence Seaway Authority was included -
14 with the authority of pilotage by stating perhaps
15 it would be easier for the port authorities of
16 the Seaway to see to it that the regulation
17 regarding transit of vessels within the
18 boundaries of its harbours or routes would be
19 more abided by. Do you not think if this
20 proposal was accepted then the pilot would be
21 rendered responsible for the breaches to the
22 by-laws? Do you not think there is a logical
23 consequence in the establishment of such a
24 system that you will have to change the status
25 of the pilot and make the pilot the person who
26 has the responsibility and charge of the vessel
27 instead of, as is the case today, the captain or
28 the master?

29 A In Panama this is what occurs today. The pilot
30 has the responsibility.



1 Q This was to be my second question. Was a
2 similar system installed elsewhere?

3 A In Panama.

4 Q During your trip, or elsewhere, in all the
5 circumstances were you ever told that the ship-
6 owners would be ready to relieve their masters
7 from the responsibility of the vessel and to give
8 it or entrust it to a pilot?

9 A No, never.

10 MR. LANGLOIS: I have no further
11 questions.

12 THE CHAIRMAN: Are there any
13 further questions of Mr. Bedard?

14

15 RE-EXAMINATION BY MR. LALONDE:

16 Q During your cross-examination, Mr. Bedard, you
17 were referred to the experience of Le Havre and
18 the duration of the ships in Le Havre insofar as
19 overages were determined or how long it took to
20 get the ships from the harbour to the sea. Do
21 the hours you have mentioned include the statistics
22 you were referred to, only the actual time of the
23 pilotage, or do they include other items?

24 A This time included the allocated time from
25 station to station or domicile to domicile.
26 I do not recall exactly from Le Havre. The
27 times may vary a great deal. There may be a
28 question of time for the entrance of a vessel,
29 and then at the exit of the harbour it may take
30 less time than to come in. It may be easier to



1 come out than to go in. Perhaps it may take
2 three-quarters of an hour.

3 Q Do you know that at Le Havre the launch or the
4 pilot boat wait for the vessel? Are you aware
5 of the system here in Montreal harbour vis-a-vis
6 the vessels arriving at Longpoint or entering
7 Longpoint?

8 A It is so.

9 Q Here again, to your knowledge, it has been
10 established before the Commission that this
11 time was never calculated. One calculated the
12 time from when the pilot embarked upon the
13 vessel? The exhibit referred to by Mr. Brisset
14 yesterday has been filed as Exhibit No. 788 and
15 789.

16 In your cross-examination it has also
17 been suggested that it might be possible for
18 shipowners and pilots to organize a round table
19 discussion and come to an agreement on the
20 question of maximum and minimum income for the
21 remuneration of pilots. In the light of your
22 past experience - and you have already said you
23 only have dealt with pilot organizations for the
24 last few years - have you ever seen circumstances
25 in which shipowners agreed themselves of their
26 own accord to grant an increase in the tariffs?

27 A No, not to my knowledge during our discussions.

28 Q I understand that previous to the time when you
29 dealt with this problem there had been dis-
30 cussions for revision of tariffs. You know



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BEDARD

1 about that, do you not?

2 A Yes, I do, but since 1960 when we have had
3 discussions with the shipowners we have never
4 come to an agreement about the tariffs.

5 COMMISSIONER SMITH: The shipowners
6 would not agree with your recommendations to be
7 submitted to the pilotage authorities; is that
8 correct?

9 THE WITNESS: That is correct,
10 sir.

11 BY MR. LALONDE:

12 Q Since 1960?

13 A Since 1960.
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1 MR. LALONDE: My Lord, I would like
2 to produce the statement of earnings per pilot from
3 1958 to 1962 of the Montreal District Pilots.
4 This was requested by my friend Mr. Brisset.

5 THE CHAIRMAN: Is this the final
6 distribution sheet? Are they furnished for all
7 districts?

8 MR. LALONDE: For Montreal only.

9
10 CAPTAIN JAMES EVAN MATHESON, Sworn

11
12 DIRECT EXAMINATION BY MR. BRISSET:

13 Q Captain, for the record will you give your name,
14 please?

15 A James Evan Matheson.

16 Q And your age?

17 A Fifty-seven years of age.

18 Q What are your present functions, Captain Matheson?

19 A I am Assistant General Manager, Shipping Federation
20 of Canada.

21 Q Are you the holder of a Master's Certificate?

22 A I am.

23 Q Will you tell us what kind of certificate you hold
24 and when it was issued?

25 A Master, Foreign Going, which was issued in October
26 1931.

27 Q Issued by the Board of Trade in England?

28 A That is right.

29 Q When did you commence your sea career?

30 A From June 1922 to December 1927 I was apprenticed



1 in ocean ships. I was an officer from January
2 1928 to May 1938, and two-thirds of that time as
3 Chief Officer on ocean ships.

4 Q These are ships in the merchant marine?

5 A That is right, under the British flag.

6 Q When did you take command of a vessel and for how
7 long were you in command of a vessel?

8 A In June 1931 until June 1941.

9 Q Is there not a mistake there? Would it not be
10 June 1938?

11 A No, sir, 1939.

12 Q Of what type of vessel were you in command?

13 A Ordinary ten-thousand ton vessel.

14 Q Of the Park type?

15 A No, that was before the Park type.

16 Q When did you come ashore?

17 A In June 1941.

18 Q What functions did you discharge ashore after
19 leaving command of a ship?

20 A I was Marine Superintendent of a large steamship
21 company in Montreal.

22 Q When you were Marine Superintendent, what special
23 functions did you have to discharge?

24 A The company owned at that time about seven ships.
25 I was responsible, of course, for the personnel on
26 these ships, including the masters. I made all
27 the appointments. I was responsible for the ships.
28 The company at that time had about forty-five ships
29 on charter and it was my responsibility to take
30 these ships on charter and redeliver them.



1 Q How long did you remain as Marine Superintendent
2 for Saguenay Terminals Limited?

3 A Until 1945.

4 Q During that period did you have occasion to gain
5 experience in what I would call pilotage?

6 A Yes, handling ships and pilotage.

7 Q What ships and when was that?

8 A In 1944. The Aluminum Company at that time had a
9 project in hand for dredging the Demerara River.
10 This project had high priority. During the war,
11 of course, we had difficulty in getting competent
12 men. I was required to take charge of this ship
13 for about four months. This ship was a lake-type
14 ship, 250 feet long. Our assignment was dredging
15 the Demerara River. We dredged about twenty-two
16 miles of the river.

17 Q Were you going up and down the river?

18 A Yes, it was a seven-day operation and a four-week
19 month. Occasionally we went in and tied up at
20 Georgetown so the crew could get a rest and then
21 carried on with the job. It was day and night,
22 and the officers and myself handled the ship.
23 There was considerable traffic in the area. At
24 one part of the river, as anyone will know who has
25 been up the Demerara, you have a four or five knot
26 current and the officers, including myself, had to
27 become expert ship handlers.

28 Q Were you using a pilot?

29 A No.

30 Q In what year did you join the Shipping Federation?



1 A I joined the Shipping Federation in 1947. Previous
2 to that I was engaged - during 1946 - on other
3 operations, but I joined the Federation in 1947.

4 Q I understand that after leaving Saguenay you were
5 Regional Director for the manning pools at St.
6 John and Montreal?

7 A That is correct.

8 Q And subsequently you were Deputy Controller of
9 Lake Shipping?

10 A That is right. During the 1946 strike I was
11 Deputy Controller at Montreal for Lake Shipping.

12 Q You joined the Federation in 1947 you told us.
13 I believe in March?

14 A Yes.

15 Q What were your main functions during the years that
16 followed?

17 A At that time Canada had quite a large mercantile
18 marine with over eighty ships on the east coast and
19 probably forty on the west coast. I represented
20 the shipping companies in dealing with various
21 organizations that represented personnel on these
22 ships. There was the CSU which represented
23 unlicensed personnel; the Canadian Mercantile
24 Guild representing deck officers; and the
25 National Association of Marine Engineers represent-
26 ing engineers. Contracts were negotiated each
27 year and they were long and protracted negotiations,
28 both in Montreal and Vancouver. So that took up
29 quite a lot of my time in my first few years in
30 the Federation.



1 Q When did you first become interested actively in
2 pilotage?

3 A I was interested in pilotage all the time I was in
4 the Federation, but I was directly concerned with
5 pilotage round about 1952. At that time the
6 Canadian Mercantile Marine was dwindling and on
7 account of the demands by unions some of the ships
8 were going out of business and some were trans-
9 ferred to the United Kingdom flag. So I had more
10 time then to attend to pilotage. However, between
11 1947 and 1952 I was also acting as technical
12 adviser to the General Manager on pilotage and
13 other technical matters.

14 Q I understand that the Shipping Federation of
15 Canada is a corporation which has been incorporated
16 by an act of parliament, and I have with me a copy
17 of 3 Edward VII, Chapter 190, An Act to Incorporate
18 The Shipping Federation of Canada, as well as the
19 by-laws of the Shipping Federation of Canada. I
20 would like you to file this document as Exhibit
21 903.

22
23 ---EXHIBIT NO. 903:

Act incorporating the
Shipping Federation of
Canada and by-laws.

24
25 In the brief of the Shipping Federation
26 of Canada, Exhibit 726, one finds in the intro-
27 duction, page 1, the main objects and powers of the
28 Federation - and I do not want to go over this with
29 you but I see, and this is a point to which I would
30 like to draw your attention, that one of the



1 purposes is to amalgamate and federate as members
2 shipowners and shipping agents and so forth as are
3 from time to time interested in the shipping trade
4 of Canada. The expression "shipping trade of
5 Canada" comes back again in a number of cases. In
6 this connection I would like you to refer to
7 Exhibit 726, volume 2 of the brief of the Federation
8 which lists the members of the Federation, and I
9 would like you to tell me first when this list was
10 made up, what year's membership does it represent?

11 A This list represents 1962.

12 Q At the close of the year 1962?

13 A Yes.

14 Q On one side of the exhibit you list the names of
15 companies. I would like you to confirm whether
16 or not these companies are companies resident in
17 Canada, having their offices in Canada?

18 A No, not in the first line.

19 Q I am speaking of the second.

20 A Yes, all the companies in the second line have
21 their offices in Canada.

22 Q And these are those who are members of the
23 Federation?

24 A These are actual members of the Federation.

25 Q The first line to which you have referred lists
26 a number of things. Is it correct that this list
27 describes the services which are given or taken
28 care of by the members listed opposite each of the
29 lines?

30 A That is correct.



1 COMMISSIONER SMITH: How do they qualify
2 for membership? Is it just generally enough to
3 say that they are engaged in the shipping trade of
4 Canada? Does that qualify them for membership?

5 MR. BRISSET: Perhaps Captain
6 Matheson could answer the question directly.

7 THE WITNESS: No, they submit an
8 application first and that application must contain
9 their financial standing. This application is
10 considered by the Executive Council and the
11 potential member is thoroughly investigated and
12 then it is considered at the general meeting of the
13 Federation.

14 COMMISSIONER SMITH: And Canadian
15 citizenship applies?

16 THE WITNESS: No, I do not think
17 it is a matter of Canadian citizenship but their
18 offices, of course, will be in Canada.

19 BY MR. BRISSET:

20 Q In the third line under the heading "Representative"
21 you have a list of names. Will you explain what
22 this means?

23 A These are the actual heads and senior officials
24 of the respective companies who are the members.
25 The second line shows the member companies, and
26 these are the actual members.

27 Q In other words, the persons who are entitled to
28 represent and speak for the company or firm listed
29 as a member?

30 A Exactly.



1 Q In the various councils of the Shipping Federation?

2 A Yes.

3 Q Are you aware, Captain, that under present
4 conditions - I mean conditions in the shipping
5 business prevailing at the present time - a good
6 number of the members of your Federation are
7 actually operating ships under what we call charter
8 arrangements or charter fixtures?

9 A Yes.

10 Q Can you give us simply as an illustration the names
11 of a few of these firms and an approximate idea of
12 the extent of their chartering activities by
13 referring to an approximate number of the ships
14 they might so operate under charter, not only this
15 year but in past years?

16 A Well, the largest of these companies is Saguenay
17 Shipping, and I suppose they are the biggest
18 charterers in the world. At some times they have
19 had as many as a hundred ships on charter.
20 Federal Commerce in recent years have been large
21 charterers and probably have had as many as forty
22 or forty-five ships on charter. Then Montreal
23 Shipping - at the moment I just could not say the
24 extent of their chartering business. These are
25 some of the companies.

26 Q When we speak of charter, of course we refer here
27 to time charter of the type of which an exhibit
28 has already been filed before this Commission by
29 Mr. Colley. For instance, the New York Produce
30 Exchange form a time charter party?



1 A Correct.

2 Q Under which - and correct me if I am wrong - the
3 operator, the time charter operator assumes
4 liability for the cost of pilotage?

5 A That is correct.

6 Q Have you prepared a memorandum to give an idea of
7 the extent of activities of the Shipping Federation
8 in the various fields which are of interest to its
9 members?

10 A Yes, that is correct.

11 Q To save time I would like you to file this
12 memorandum as Exhibit 904.

13

14 ---EXHIBIT NO. 904: Memorandum showing
15 Shipping Federation's
16 activities.

17

18 Q I understand, Captain, that to finance its
19 operations the Shipping Federation does not have
20 control of all the revenues of its members but
21 assesses an annual due?

22 A Yes.

23 Q Is that the way it supports its administrative
24 activities?

25 A That is correct. It is a non-profit making
26 organization.

27 COMMISSIONER SMITH: Does the Shipping
28 Federation belong, or is it eligible to belong in
29 any way to any of the conferences?

30 THE WITNESS: Not to the conferences,
but as I explained in this memorandum, Mr. Smith,



1 we are affiliated with the Shipping Federation in
2 London and the International Shipping Federation
3 and with the Chamber of Shipping in London and the
4 International Chamber of Shipping. We have no
5 interest in rate conferences.

6 COMMISSIONER SMITH: You have no interest
7 in rate-fixing conferences?

8 THE WITNESS: No.

9 COMMISSIONER SMITH: You are not in that?

10 THE WITNESS: No, sir.

11 BY MR. BRISSET:

12 Q In other words, as you mentioned in your memorandum,
13 the Shipping Federation of Canada has nothing to
14 do with freight rates and fixing of freight rates
15 or anything that relates to the actual operation of
16 ships as an earning instrument?

17 A That is correct.

18 Q In connection with pilotage matters, I understand
19 the Shipping Federation has appointed a committee
20 which is called the Pilotage Committee?

21 A That is correct.

22 Q How many members at the present time or how many
23 members have in the past belonged to this committee
24 generally?

25 A On an average nine and sometimes a little less -
26 just about nine.

27 Q The members sitting on this committee are, I take
28 it, members taken from the active members of the
29 Federation?

30 A Yes, various members of the Federation.



1 Q Who is at the present time the chairman of this
2 committee?

3 A Mr. H. Colley of Colley Motors Limited.

4 Q And you are yourself ex officio, as assistant
5 manager, a member of that committee?

6 A Correct. Mr. Colley is president of Colley
7 Motors.

8 Q You have spoken of certain affiliations which the
9 Shipping Federation has and you have given a few
10 names, for instance the Chamber of Shipping in the
11 United Kingdom. Could you give us a brief outline
12 of what this organization is?

13 A The Chamber of Shipping in the United Kingdom
14 performs more or less the same function as the
15 Shipping Federation of Canada. The Shipping
16 Federation of London mostly represents the
17 mercantile marine matters. Of course, each body
18 has its parent body.

19 Q In other words, your affiliations are with
20 organizations which fulfil the same role in other
21 countries as your federation fulfils here?

22 A Exactly.

23 Q Have you affiliations on the continent of Europe
24 and in Scandinavian countries, such as the Baltic
25 and International Maritime Conference?

26 A We deal very closely with them. I just could not
27 say if we are actually members of that, but a lot
28 of our members are members of the Baltic and
29 International Conference.

30 Q Then I take it - if I may be suggestive here - that



1 these associations keep in touch with one another
2 on all interests affecting the shipping industry
3 in general?

4 A Absolutely, yes, and there is an exchange of
5 correspondence and circular letters going on all
6 the time with these organizations.

7 Q Insofar as the Federation is concerned, it has to
8 do with its own principal interest, the shipping
9 trade of Canada?

10 A Yes.

11 Q As it may be affected by other things not only in
12 Canada but in other parts of the world?

13 A Yes.

14 Q Captain, it has often been said - and we have seen
15 it in exhibits that have been presented to this
16 Commission - that the Shipping Federation of
17 Canada is an association of foreign interest,
18 foreign shipowners and that sort of thing. What
19 have you to say to this?

20 A No, I think that would be a very wrong impression
21 to give. All our members are purely Canadian
22 members and doing business in Canada, and they act
23 as agents, of course, for ships in business or
24 commerce with Canada.

25 Q From the experience you have gained yourself in the
26 shipping world insofar as Canada's foreign trade is
27 concerned, what do you consider to be the con-
28 tribution of the foreign ship?

29 A It is a very great contribution to the economy of
30 the country. I would not like to imagine what



1 would happen to the country without that
2 contribution.

3 Q In other words, if I may refer to a past statement
4 you have made, do we in Canada to any appreciable
5 extent have a foreign-going merchant marine?

6 A Absolutely not.

7 Q So perforce our imports and exports have to be
8 carried on ships flying flags of other nations?

9 A That is correct.

10 Q Without going into too many details, Captain, I
11 would like to start from the beginning of your
12 active interest in pilotage, which you told us was
13 more or less in 1952, and ask you just to give us
14 a brief history of your involvement, starting let
15 us say with the St. Lawrence-Kingston district
16 that was in existence then?

17 A Yes.

18 Q If I may interrupt, Captain, at this stage I would
19 like to make a correction in the text of our brief.
20 At page 31 of the English text, I give a list of
21 the numbers of ships that have gone up the canal
22 route until the opening of the Seaway. In 1958,
23 the figure of 289 should read 589.

24 MR. LALONDE: You say 589 instead of
25 289?

26 MR. BRISSET: Yes.

27

28

29

30



1 ENGLISH

2 MR. LALONDE: For total voyages you had.
3 Does that mean you had 200 ships, have 589 ships.
4 Some of them came back?

5 MR. BRISSET: Yes.

6 MR. LALONDE: These are the actual names
7 of ships, not transits?

8 MR. BRISSET: These are actual round voyages
9 by 200 ships. Some of them may have made two,
10 others only one.

11 MR. LALONDE: Thank you.

12 Q. My lord, in checking the statistics given by the
13 Shipping Federation with the Annual Reports of the
14 Department of Transport, I found the figures do not
15 quite agree. There is not much of a difference but
16 to assist the Court I would like, with your
17 permission, to file the actual statistics from the
18 Department of Transport for the years 1955, to the
19 year 1956, and 1958 to the year 1959. These are
20 extracted from the Annual Reports published by the
21 Department of Transport.

22

23 ---EXHIBIT 905: Actual statistics from the Department
24 of Transport for the years 1955 to 1956;
25 1958 to 1959.

26

27 MR. BRISSET: The fiscal year of the
28 Government, I think is from the first of April
29 to the 31st of March. That is why the season does
30 not extend to March, we have the breakdown in this
manner.



1 MR. LALONDE: Number of transits and ships?

2 MR. BRISSET: Number of transits and ships,
3 foreign going ships that have transited the canal
4 leading into the Great Lakes.

5 MR. LALONDE: Which should we rely upon?
6 Yours, or the Department of Transport?

7 MR. BRISSET: To give an illustration, in
8 1958 the Department of Transport gave the number of
9 ships as 187 and the total transit is 534. They
10 have missed a few, I believe.

11 Q. Now Captain I want to go back to my question and
12 I would like you to give me perhaps only the salient
13 facts in your experience dealing with pilotage in
14 the Kingston District from 1952 on.

15 A. Well in June 1952 I believe the tariff of the
16 District was completely revised. However, there
17 was a very unsatisfactory situation in the District
18 in that, as the number of our ocean ships each year
19 was increasing into the lakes, we were getting more
20 but we faced more and more delays waiting on pilots
21 and not sufficient pilots; was very unsatisfactory
22 from our point of view and it was unsatisfactory
23 from the pilots' point of view also because they
24 felt they did not have the security they should have.

25 The President of the St. Lawrence-Kingston
26 pilots at that time came to the Federation and we
27 had several discussions and I must say that during
28 the period from 1952 to 1955 there was always an
29 atmosphere of mutual respect so we were able to
30 discuss out mutual problems fully.



1 FRENCH

2 The result of these discussions, I think
3 this was towards the latter part of 1952, was that
4 we came to an agreement. It was merely a verbal
5 agreement. There was an agreement that worked very
6 well for a number of years. The agreement was that
7 if the Federation would give assurance to the
8 pilots that they would employ only St. Lawrence-
9 Kingston pilots in the District, the pilots in turn
10 would give us assurance that they would have licenced,
11 qualified pilots available at all times. Now the
12 unsatisfactory situation was this: That ships going
13 up the lakes employed sailing masters prior to 1950.
14 There was only about half a dozen companies trading
15 into the lakes and these companies had what they
16 called special sailing masters. The function of
17 the sailing master was to take the vessel from
18 Kingston right through the lakes, Chicago or the
19 Lakehead wherever the ships went, and take her back
20 again; to be with the ship all the time but sometimes
21 some of these companies -- it was more convenient
22 for them to put their sailing masters on board at
23 Montreal. Therefore, if there was two or three
24 St. Lawrence-Kingston pilots waiting on a ship, they
25 would continue to wait and the sailing masters would
26 go on with the ship. Frequently this happened with
27 ships coming down from the lake, the sailing master,
28 instead of getting off at Kingston as he was supposed
29 to do, he continued to Montreal. This created a
30 very unstable situation for the pilots in the



1 ENGLISH

2 District. Our part of the agreement was to stop
3 that, which we did. We policed the matter and
4 stopped it, not completely but we stopped it as
5 far as we possibly could. Occasionally with a ship
6 coming down from the lakes, the sailing master
7 would convince the master of the ship that he should
8 continue to Montreal but we watched the situation
9 very carefully. If we found out about it, the
10 sailing master was taken off the ship enroute to
11 Montreal.

12 Anyway, we had some difficulty. Of course,
13 with inland navigation ships who were not party to
14 this agreement and if there were pilots available
15 at Montreal for the ships coming, the ocean ships
16 coming up river, on occasions the lake ships would
17 take these pilots and the ocean ships would have to
18 wait until pilots would be brought back from Kingston
19 or get pilots somewhere else.

20 That system worked quite well and this was
21 a verbal agreement.

22 Q. During this period as traffic was increasing, did
23 you find the necessity of having more pilots
24 appointed and to arrange for candidates to be chosen
25 and examined?

26 A. Oh yes. Yes that was done. As a matter of fact,
27 there was an examination board set up in 1957 I think,
28 to deal with the situation.

29 Q. Now on this examination board was the shipping
30 industry or the Federation of Canada represented?



1 ENGLISH

2 A. Yes, we were.

3 Q. Whom did you have as representative on this Board
4 of Examination?

5 A. Captain Barrett.

6 Q. Who was Captain Barrett?

7 A. Captain Barrett had considerable experience as
8 ships master, as a pilot in the St. Lawrence-
9 Kingston District. He was also a teacher of
10 navigation. He ran a school I think this was in
11 Kingston; at one time in Toronto and he was a very
12 competent and experienced person and we were
13 fortunate that he represented us on the Examination
14 Board.

15 Q. Now Captain, to give an illustration to this
16 Commission of how the system worked at that time,
17 when the shipping industry was permitted to take
18 part in the selection of an apprenticeship, and
19 through final examination to when they were received
20 as a pilot, would you be good enough to file with
21 this Commission a sample report on an examination
22 conducted on which Captain Barrett was in attendance
23 representing the Shipping Federation of Canada?

24 A. Yes, and I may state further that I think Captain
25 Barrett contributed quite a bit to the conduct of
26 these examinations. I think the pilots who were
27 on the Examining Board at that time would agree with
28 that and also the Department of Transport officials.
29 Captain Barrett reported to me.

30 MR. LALONDE: Were you ever present during



1 ENGLISH

2 these examinations?

3 THE WITNESS: I believe so, yes. When it was
4 not convenient for Captain Barrett to be there, I
5 think I attended one or two.

6 MR. LALONDE: I am sorry, it was in connection
7 with your statement that he contributed a lot to
8 the examination. I was asking whether you were
9 present when Captain Barrett was there at the same
10 time.

11 THE WITNESS: I think I will let these docu-
12 ments speak for themselves Mr. Lalonde, that I am
13 going to file now and the experience, also the
14 experience of Captain Barrett.

15 Q. Would you file the reports that you have assembled
16 for submission to this Commission as Exhibit 906.

17

18 ---EXHIBIT 906: Reports dated March 8th 1957.

19

20 Q. Now Captain in connection with the agreement which
21 had been reached with the pilots of the District
22 at the time, you have mentioned that the lake ships
23 were causing some disturbance in the service itself.
24 There has already been evidence, I think by Captain
25 Downey that the lake ships were using pilots as a
26 convenience, when the weather was bad or the Captain
27 was tired, or something like this. Is this your
28 experience or not?

29 A. Yes, that is correct.

30 What actually would happen is that on some occasions



Matheson dr -ex
(Brisset)

1 ENGLISH

2 these lake boats would go up without pilots, and
3 on another occasion the same ship, same master,
4 would want a pilot. It would depend on the weather.
5 If the weather was not good -- I inquired into this
6 matter, and this is the explanation I got from the
7 pilots -- if the weather was unfavourable, then
8 they took a pilot and in some cases when they were
9 pressed for time, they also took a pilot.

10 What actually happened was ocean ships coming
11 up would usually order the pilot, most of them
12 went up in the morning, early morning through the
13 old canals and they would order their pilot the
14 night before, prior to four o'clock. If there were
15 two ocean ships coming up, there would be pilots
16 for each of these ships ordered, and we would get
17 assurance from the pilot office that there would
18 be two pilots available for the ships but during
19 the night two lake boats would come up without
20 warning and they would ask for a pilot and they
21 would get these two pilots, with the result that
22 the ocean ships were again delayed.

23 Now this is something that was outside the
24 jurisdiction of the pilots. They couldn't do
25 anything about it. I made representations to the
26 Department of Transport and so did the President
27 of the St. Lawrence-Kingston pilots to the effect
28 that as we had this agreement in effect, and it
29 was working very well both for the pilots and for
30 the ships, that these lake boats, that came up during



Matheson dr-ex
(Brisset)

1 English

2 the night as I have just described, in such cases
3 they should be denied pilots. They should be told
4 there is no pilot available for them so that these
5 pilots would be available for the ocean ships in
6 the morning, but the Department would not agree to
7 any such suggestion. They said that the ships would
8 be served as they came so that was the only difficulty
9 in making this agreement 100% satisfactory.

10 Q. Otherwise, your relations with the pilots in the
11 District were entirely satisfactory I suppose?

12 A. Exactly.

13 Q. Now Captain during the evidence I believe of Mr.
14 Perusse, there was a reference to a strike of
15 pilots in that District in 1955?

16 A. Yes, that is correct.

17 Q. Have you been able since then to consult your
18 records and perhaps give us a little more information
19 on that particular event than we have been able to
20 get so far?

21 A. Yes. Just prior to that time there was a change
22 in the Committee of the pilots. I would like to
23 go back a little bit further. There is something
24 that I missed out and that is that during the time,
25 between 1952 and 1955 when this agreement was in
26 effect, there was an influence from the States, a
27 Captain Rollo Johnston. He was Vice-President
28 of the Master, Mates and Pilots in the United
29 States and he tried to influence the pilots and
30 also the Federation in recognizing him.



1 ENGLISH

2 He probably told the -- I understand he
3 told some of the pilots that he could do quite a
4 bit for them but, however, he was rejected by the
5 pilots and by the Federation; just have nothing
6 to do with him.

7 Now in 1955 there was a change in the
8 Committee of the pilots. A new Committee was
9 appointed.

10 Q. Is that the Committee headed by Mr. Chartier?

11 A. No. It was Mr. Marchand who was the head of that
12 Committee. He was the President and that is the
13 year that we had the strike of the St. Lawrence-
14 Kingston pilots and it was an extraordinary situa-
15 tion, a situation that I found very very difficult
16 to understand.

17 I could always get proper explanations prior
18 to that for difficulties, and I tried to give the
19 pilots proper explanations for any difficulties we
20 had but on this occasion I couldn't find out what
21 was the matter. I talked to Mr. Marchand about it
22 during the strike. Just before the strike I think
23 he warned me the meeting was going to be held; he
24 hoped that pilots that were engaged on ships would
25 not attend but he couldn't guarantee that would be
26 the case. He intimated to me he was concerned it
27 may not be the case, but the meeting was called
28 anyway and he felt that all the pilots would be
29 attending the meeting. Consequently, our ships
30 were going to be held up. I asked for an



1 ENGLISH

2 explanation, why we should be treated like this,
3 and he assured me that the pilots held the Federa-
4 tion in high regard and didn't want to do anything
5 against the Federation; that this so-called meeting
6 was to demonstrate against the Department of
7 Transport because the Department of Transport
8 would not give them the security they wanted, that
9 is compulsory payment of pilotage dues as they had
10 in other Districts. Mr. Marchand no doubt, and
11 all other pilots in the District, were well aware
12 the Federation fully supported them in this request
13 that they should have the same security as the
14 pilots in the lower river and that compulsory pay-
15 ment of pilotage should apply and we made verbal
16 representations and we made written representations
17 in that regard to the Department of Transport.

18 Now we got the explanation that on account
19 of the International situation, in the International
20 waters, with the legal matters, that we couldn't do
21 this; couldn't give these pilots the compulsory
22 payment of pilotage dues. Prior to the strike, I
23 believe it applied, this demand applied only to
24 ocean ships and then during the strike it developed
25 that it was going to apply to all ships, ocean
26 ships and domestic ships.

27 Q. I don't want to go into too many details at this
28 stage on these events that go back a long time,
29 but I understand there was a meeting eventually
30 attended by the Federation Representative of the



1 ENGLISH

2 Department of Transport and Mr. Paul Gerin Lajoie
3 as a representative of the Kingston Pilots?

4 A. That is correct.

5 Q. At about that time?

6 A. That is correct.

7 Q. And that you have kept a minute of that meeting?

8 A. Yes.

9 Q. Dated October 8th 1955 and I would like you to
10 file that as Exhibit Number 907.

11 MR. LALONDE: I have no objection to the
12 production of this my lord under the obvious
13 reservation that it is a self-serving document.

14 THE CHAIRMAN: All right.

15

16 ---EXHIBIT NO. 907: Minute dated October 18th 1955.

17

18 Q. Did you attend this meeting yourself?

19 A. Well there were continuous meetings going on. I
20 think it was held in the Queens Hotel. Yes. I
21 went down there and I spoke to the pilots, all
22 the pilots attending the meeting, tried to reason
23 with them, explain our position. Our Chairman at
24 that time, Mr. James P. Boyle, also spoke to the
25 pilots and it was a difficult situation. I think
26 some of the pilots requested that we put pressure
27 now right on the Minister and Deputy Minister of
28 Transport, the Federation should.

29 At that time both the Minister and the
30 Deputy Minister were in the west coast, going to



1 ENGLISH

2 be in the west coast for another two weeks. However,
3 in the hope that we would get these meeting dis-
4 continued, we did contact the Assistant Deputy
5 Minister of Transport and urge on him to contact
6 the Minister and the Deputy Minister in Vancouver
7 and see if we could get these people back to work.

8 Q. Captain, just one question in regard to these
9 minutes which you have filed. Have you a copy in
10 front of you?

11 A. Yes.

12 Q. I would like to draw your attention to one statement
13 made by Counsel for the pilots at this meeting,
14 which is reported as follows: "Captain Slocombe said
15 his Department considered the pilots were acting
16 unreasonably, particularly since they were aware
17 that the Minister and Deputy Minister would be
18 absent from Ottawa for another week or ten days
19 and nothing could be done in the interval." Further
20 down: "Under these circumstances he, Mr. Lajoie,
21 felt the pilots would continue to refuse assignments
22 unless some assurance was received by them from the
23 Minister that this question of compulsory payment
24 of pilotage dues would get priority and consideration
25 by the Minister on his return to Ottawa." Do you
26 recall this?

27 A. Yes, very well.

28 THE CHAIRMAN: With regard to this Exhibit
29 907 which has been filed under a certain reservation,
30 I would like the Counsel for the pilots to look it



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Matheson dr-ex
(Brisset)

12170

1 ENGLISH

2 over and if there is anything, of course, with which
3 he disagrees, he will be given an opportunity to---

4 MR. LALONDE: I would hate to subpoena the
5 former counsel for the pilots at the present time
6 my lord.

7 THE CHAIRMAN: There were other people
8 available there. If you think there is something
9 that hurts, that should be corrected, you may do
10 so. We will adjourn now until tomorrow morning at
11 10:00 o'clock.

12

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ROYAL COMMISSION

ON

PILOTAGE

HEARINGS

HELD AT
MONTREAL

VOLUME No.:

98 A

DATE:

Jan. 17, 1964

OFFICIAL REPORTERS

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ROYAL COMMISSION ON MARINE PILOTAGE

Proceedings of the hearing
held in the International
Aviation Building, Montreal,
Quebec, on Friday, the 17th
day of January, 1964.

C O M M I S S I O N :

The Honourable Mr. Justice Bernier	-	Chairman
Mr. Robert K. Smith	-	Member
Mr. Harold A. Renwick	-	Member
Mr. Gilbert Nadeau	-	Secretary

COMMISSION COUNSEL:

Mr. Maurice Jacques

PRESENT:

Mr. L. Langlois Q.C.	for the Canadian Merchant Service Guild
Mr. J. Brisset, Q.C.	for the Shipping Federation of Canada
Mr. Marc Lalonde	for the Federation of St. Lawrence River Pilots; Corporation of the Lower St. Lawrence Pilots; the Corporation of the Montreal Harbour Pilots; the Corpor- ation of the Mid-St. Lawrence Pilots; the Corporation of the St. Lawrence River and Seaway Pilots; the Corpor- ation of the Upper St. Lawrence Pilots.

* * * * *



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MATHESON, CAPTAIN

Direct-Examination by Mr. Brisset

12171

* * * * *



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* * * * *



Montreal, Quebec
Friday
January 17th, 1964

12171

English

---UPON COMMENCING AT 10:00 A.M.

CAPTAIN MATHESON

BY MR. BRISSET:

Q Captain Matheson, at the adjournment yesterday you were relating the principal events that have occurred in 1955, namely the stoppage of work in the Fall. I would now like you to pass onto 1956 and 1957. I understand back in 1956 there were no other incidents, the only incident of importance being the formation of the Corporation of St. Lawrence, Kingston Pilots?

A That is right, in the latter part of 1956.

Q During that year of 1956 there were no incidents worth recording?

A Not that I can recall at the moment.

Q We go on to 1957 with the opening of the navigation in the canal leading up to the Great Lakes?

A The first incident was a request for St. Lawrence-Kingston pilots for an increase in tariff and we had met with the St. Lawrence-Kingston pilots on their demands and we reached agreement with them and subsequently advised the Department of Transport.

I believe that the increase of the rate was from \$65 to \$85.

Q For what?



1 English

2 A For canalling.

3 Q Could you explain what was the rate
4 structure at the time between canalling and piloting
5 and what they mean?

6 A Yes. For ocean ships there was a rate
7 in effect for working ~~in~~ in the canals. There was
8 also a rate for the so-called river pilotage. The
9 river pilotage was \$165. The rate for canaling of \$65
10 was increased to \$85.

11 Q What about the rate for piloting, what
12 was it?

13 A \$165.

14 Q So that brought up the total lump sum
15 rate to \$250?

16 A That is correct.

17 Q What was the reason for this structure
18 of the rate at the time with the division between
19 canaling and piloting?

20 A As far as I can recall that was in con-
21 nection with domestic ships where domestic ships did
22 their own canaling, the masters did their own canaling
23 and when they employed a pilot the pilot was employed in
24 the river navigating.

25 Q Am I right in understanding that as far
26 as ocean ships were concerned the division was purely
27 for the convenience of the lake operators in the sense
28 that the ocean vessels did use pilots for both canaling
29 and piloting in the district?

30 A Absolutely, at all times.



1 English

2 Q Now, you refer to an agreement having
3 been reached with the pilots at the time. Was the
4 Department of Transport at all involved in this agree-
5 ment or was agreement reached in private discussions
6 between the pilots and the Shipping Federation?

7 A I think on this occasion that agreement
8 was reached between the Shipping Federation and the
9 pilots. On some occasions at that time the Department
10 would sit in as observers. I think in this particular
11 case this agreement was negotiated without anyone
12 from the Department of Transport present.

13 Q Later on I assume that the Department was
14 advised and the necessary by-laws enacted by order-in-
15 council?

16 A Correct.

17 Q To give the effect to your agreement?

18 A Correct. Before I go off this subject,
19 the interval between 1955 and 1957, there was a further
20 change in Executive of the Corporation of St. Lawrence
21 River Pilots and Mr. Chartier was appointed President
22 in place of Pilot Marchand who I spoke about yesterday.

23 Q Was Mr. Chartier so appointed to your
24 knowledge in conjunction with the formation of the
25 Corporation or at about that time?

26 A At about that time.

27 Q Now, how did things go in 1957 from then
28 on after this agreement just described was reached?

29 A Well, towards the end of the season we
30 ran into further difficulty with this group of pilots



1 English

2 on the question of security, compulsory payment of
3 pilotage dues. We were faced with further threats of
4 strike unless the Department of Transport agreed to put
5 into effect the security that pilots wanted.

6 Q When you say security I take it you
7 mean by way of compulsory payment of pilotage dues
8 in the district so affected?

9 A Correct.

10 Q Would you give us a brief history of
11 these particular events insofar as the ocean industry
12 was affected, of course?

13 A Yes, on October 30th, I think it was,
14 the pilots delivered a brief to the Minister of
15 Transport outlining these demands. Of course, we had
16 discussions with the President of the group and ex-
17 plained that the people that were affected by this
18 threat of strike and strike were the people that were
19 befriending the pilots, but nevertheless they persisted
20 and there was sufficient pressure from the Federation
21 that they would get their demands from the Department
22 of Transport.

23 The strike naturally took place towards
24 the end of November, November 9th.

25 Q If it may please this Commission I
26 find a typographical error on page 32 of the brief, the
27 last line of the second paragraph. The strike is said
28 to have started on November 9th. That should read
29 November 6th. Now, will you tell me whether at that
30 time the Shipping Federation made representations



1 English

2 MR. LALONDE: While my friend is on the
3 question of typographical errors he might advise us also
4 there is a typographical error at page 33, the last line
5 of the first paragraph. You say November 21st, 1959.

6 MR. BRISSET: Yes, that should be 1957
7 also.

8 THE WITNESS: Oh, yes.

9 MR. BRISSET: These typographical errors,
10 I must say, were corrected in the French text. It is
11 only in the English.

12 MR. LALONDE: I thought it might have
13 been a strike which lasted a year and a half.

14 MR. BRISSET: Q Fortunately not. To
15 come back to my question will you tell me whether the
16 Shipping Federation did, in fact, make representation to
17 the Minister of Transport or the officials of the
18 Department on this question at that time?

19 A Oh yes, and prior to that time on
20 several occasions this question was discussed between
21 the Federation and the Department of Transport. We put
22 considerable pressure on the Department of Transport.
23 The replies we always got: It is impossible to give
24 it effect on account of the international agreement and
25 treaties between Canada and the United States.

26 Q To come back to the strike itself and
27 the surrounding events of which you had knowledge at
28 the time, could you give us some of the background of
29 what actually took place then?

30 A Do you mean prior to the strike?



1 Q Prior or during the strike was there,
2 for instance, intervention by any other interest?

3 A Well, I spoke yesterday about Rolla
4 Johnson, Vice-President of the International Organi-
5 sation of Masters, Mates & Pilots.

6 Q Is that a Canadian or American
7 organization?

8 A It is an U.S. organization. It is af-
9 filiated with the American Federation of Labour.
10 Captain Rolla Johnson was continually in the back-
11 ground and with the formation of this new executive
12 in the St. Lawrence, Kingston District...

13 Q When you speak of the new executive...?

14 A Headed by G. Chartier.

15 Q You mean the executive of the new
16 Corporation?

17 A Yes. He seemed to be given prestige
18 and influence. Now, there was a peculiar situation
19 here. We rejected Johnson completely so far as the
20 St. Lawrence, Kingston pilots were concerned.

21 Q When you say you rejected Johnson
22 completely had you been approached by Johnson for some
23 reason?

24 A On several occasions.

25 Q For what purpose?

26 A For the purpose of -- he was conveying
27 to the St. Lawrence, Kingston pilots he could get a
28 compulsory payment of pilotage dues for them. He ap-
29 proached myself in particular on several occasions and
30 he wrote on one or two occasions, but I declined to



English

answer his letters and I also rejected any suggestion he had to make on the phone. There was a peculiar situation as I said before in just about that time the sailing masters who had formed in the Great Lakes Pilots Association had affiliated themselves with the Masters, Mates & Pilots. This organization was purely a private organization formed by private pilots. In my dealings with the sailing masters I had no alternative but to recognize Johnson.

The situation was quite different insofar as the St. Lawrence, Kingston pilots were concerned. They were, more or less, under the jurisdiction of the Department of Transport and they couldn't, I understand, as a body affiliate with the American union. I also understand that a number of the pilots in the district had joined that organization as individuals.

I understand from that account when the St. Lawrence, Kingston pilots were meeting, had meetings, I believe that he attended some of their meetings. Now, the Department of Transport, of course, was concerned with the influence that this Johnson was having with the St. Lawrence, Kingston pilots, very concerned, so was counsel of the Corporation of St. Lawrence River Pilots, Mr. Lajoie very concerned about this influence.

He discussed the situation with me on one or two occasions. I explained my position to him. I was going to reject him on every occasion as far as that group of pilots was concerned. I had no alternative but to deal with him as far as the sailing



1 English

2 masters were concerned.

3 Q Insofar as the strike itself was con-
4 cerned and the stoppage of service of pilots was there
5 any active intervention by Captain Johnson in this
6 regard?

7 A Yes, there was through the sailing
8 masters.

9 In 1957 we decided on the Great Lakes
10 only
11 that we should have pilotage in restricted areas where
12 pilotage was necessary. There were several reasons
13 for this. There was a shortage of qualified men with
14 the increased tonnage increased number of ships
15 going up the Lakes. There was a shortage of men. We
16 also felt very strongly there was unnecessary to have
17 pilots in the open waters of the Great Lakes. We
18 put into effect a system where we would only take
19 pilots in the area between Port Weller and Sarnia.

20 Q Captain, if I may interrupt, we are
21 dealing now with the events in the Fall of 1957. Am
22 I right in understanding what you are speaking of
23 occurred in the Fall of 1957?

24 A Yes, as a result of this action on our
25 part we felt we were quite entitled to act as neither
26 the American Government or the Canadian Government
27 would take any interest at all in pilotage of the
28 Great Lakes. As a result of this Johnson formed a
29 picket line at some other points.

30 Q Did he form these picket lines before
or after the strike of the St. Lawrence, Kingston



English

pilots actually commenced? In other words did he jump the gun, if I may use this expression?

A I just can't recall, but as far as Johnson was concerned the picket lines were in effect during the strike and after the strike^{of} the St. Lawrence Kingston pilots.

Q Where were these picket lines organized?

A The picket lines were organized at Kingston and some of the ports in the United States.

Q What ports?

A Cleveland and Chicago in particular.

Q Were ships actually affected by these picket lines and unable to proceed or be worked?

A They weren't seriously affected in the States.

Q Were injunctions obtained at the time from the U.S. courts?

A No. I myself went to Cleveland and made arrangements and was successful in preventing the pickets from taking effect. In other words with counsel of the Federation in Cleveland it was so arranged with the situation explained to the labour unions that when a ship came into the ports they just walked through the picket lines.

They ignored them. This incident happened at the time of the strike.

COM. SMITH: Captain, in answer to Mr. Brisset, you said that the ships, either for proceeding or working the ships, weren't seriously interfered with in the



English

United States ports. Were they seriously interfered with in the Canadian ports?

THE WITNESS: Not in the Canadian ports, no.

COMM SMITH: You mentioned Canadian?

THE WITNESS: In the St. Lawrence, Kingston, it was the ~~strike~~ of the St. Lawrence, Kingston pilots. In addition to that we had the pickets to contend with.

COMM SMITH: Yes.

THE WITNESS: So there were no pilots available for the ships in the St. Lawrence, Kingston district.

MR. BRISSET: How long did the stoppage of work last?

A The stoppage of work -- it lasted to November 21st. We proceeded sailing the ships.

Q How many ships were there in the system at the time? I am speaking, of course, of ocean ships, according to your records?

A I don't know about that.

Q If you can't give the number, the concise number, can you give us an idea?

A In the system between Montreal and Kingston?

Q Above Montreal?

A Above Montreal on the Lakes?

Q And the Lakes.

A There would be over 70 ships.



1 English

2 Q Were the ships stopped or were they
3 able to proceed in spite of the lack of pilots in that
4 period?

5 A No, there were delays, but we kept the
6 ships moving.

7 Q What measures did you take in order to
8 achieve this?

9 A Well, at that time the majority of the
10 masters in the ocean ships were familiar, very familiar
11 with the Great Lakes trade, trading into the Great
12 Lakes for years. Some of our superintendents that had
13 been trading into the Lakes for years helped take the
14 ships down. In any event we kept the ships moving.

15 Of course, the Department was very con-
16 cerned about the situation and they suggested quite
17 drastic measures to^{get}the pilots back to work.

18 Q Now, Captain, I would like to refer you
19 to Appendix III in the second volume of the Shipping
20 Federation brief, Exhibit 726. I would like you to con-
21 firm that the telegram ...

22 A What page is that?

23 Q Page 10 of Book II. I would like you
24 to confirm whether the telegram reproduced there is
25 the telegram which the Federation addressed to the
26 Minister stating its position with respect to com-
27 pulsory pilotage in the district at the time?

28 A Yes, that is correct.

29 Q Now, you stated Captain, that the
30 Department threatened at the time of the strike to take



1 English

2 disciplinary measures against the pilots. I would like
3 in this regard to refer to appendices 5 and 6 con-
4 tained in Volume II of the same brief and would you
5 tell me whether these were the telegraphic messages
6 sent at the time by the Deputy Minister to the Chairman
7 or President of the St. Lawrence, Kingston Pilots
8 Committee with copies going to your Federation, pages
9 14 and 15?

10 A Yes, that is correct.

11 Q Now, in fact, were these penalties
12 ever imposed?

13 A No.

14 Q You have referred to your difficulties
15 or, at least, to the intervention of Captain Rolland
16 Johnson in this affair and have also referred to the
17 sailing masters. Will you now consult Appendix 7 and
18 Appendix 8 at page 16 and 17 of the same brief and
19 tell me whether these were the messages exchanged at
20 the time with the Great Lakes Pilot Association ex-
21 plaining to us what this association was?

22 A This, of course, is the Great Lakes
23 Pilots Association that I previously spoke about
24 affiliated with the Masters, Mates & Pilots.

25 Q This was the Association of Sailing
26 Masters serving ocean ships above Kingston on the
27 Great Lakes at the time?

28 A Right.

29 Q As appears from this exchange of messages
30 this Association or the members of this Association



1 English

2 refused to accept the assignments as sailing masters.

3 during that strike; is that correct?

4 A That is the fact.

5 Q So you couldn't get sailing masters
6 to serve ocean vessels during the strike even from
7 Kingston up?

8 A That is correct, yes.

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English

Q Now Captain there is a statement contained in the brief of the Shipping Federation at page 33 which reads as follows:

"Strange as it may seem, the strike appears to have been looked at as arising out of a dispute between the pilots and the Shipping Federation of Canada as shown by the question to the Minister of Transport in the House and his reply recorded in the Hansard November 7th, 1957, Appendix 4."

Volume 2 of your brief?

A Yes.

Q Could you comment on this statement and explain? Perhaps I should ask you first: Was there in fact a dispute at that time between the Shipping Federation and the pilots of that district?

A No. No dispute whatever; the dispute was between the pilots and the Department of Transport on account of the demand for compulsory payment of pilotage dues.

Q Now, I draw your attention again to this statement, and recalling what was going on is it fair to state that for public relation purposes the strike was made to look, or appear as a dispute between you and the pilots?

A Yes, which is indicated in Appendix 4, an extract from the House of Commons debate.

Q In addition to this extract, were there newspaper articles published at the time, to your



1 English

2 recollection?

3 A I believe so.

4 Q What was the general tenor of these
5 articles?

6 A As far as I can recall the impression
7 given by these articles was that this was a bona fide
8 dispute between the pilots and the Shipping Federation
9 of Canada.

10 Q Now I would like to refer you to
11 Appendix 9 on page 18 of the second volume of the brief
12 of the Federation, which is a telegram from Mr.
13 MacCallum of the Shipping Federation to the Deputy
14 Minister of Transport. Would you tell us who was Mr.
15 MacCallum at the time?

16 A Mr. MacCallum was General Manager of
17 the Shipping Federation at the time.

18 Q Now would you confirm that this was the
19 telegram dispatched by him to the Minister then?

20 A Yes.

21 Q Now in this telegram there is a mention
22 that the Department might abolish the district. How
23 did this come to your attention? Is it only through
24 Press reports, as mentioned in the telegram itself,
25 or did you hear about it directly from the Department
26 also?

27 A We also heard it directly from the
28 Department. As far as I recall, we had a meeting in
29 Montreal and there was a list of measures tabled at
30 the meeting that the Department proposed to take if



1 English

2 the pilots did not go back to work.

3 Q That included the abolishing of the
4 district?

5 A Yes.

6 Q What was the Federation's reaction to
7 this proposal?

8 A Oh we were very much opposed to it.

9 Q Did you communicate this position to the
10 officials of the Department?

11 A We did.

12 Q I take it verbally, and in this tele-
13 gram of November 12th, 1957, page 18 of your second
14 volume?

15 A That is right.

16 Q I want to pass on to the following year.
17 As I understand, the pilots eventually went back with-
18 out further difficulty?

19 A That is right.

20 Q What happened the following year, in
21 1958, in this same district?

22 A Can I look at my notes on that?

23 Q Yes.

24 A Early in 1958, there were further nego-
25 tiations with this group of pilots on the tariff, and
26 the rates were further increased from \$85 to \$102.50.
27 They were negotiations between the Federation and the
28 Corporation of the St. Lawrence, Kingston Pilots.

29 Q Was that for canaling?

30 A That was for canaling.



1 English

2 Q What about the piloting fee of \$165.

3 Did that remain the same?

4 A I believe so.

5 Q Now were these arrangements concluded
6 directly in negotiations with the pilots or through the
7 Department of Transport?

8 A I think they were conducted on a simi-
9 lar basis as the previous negotiations with the pilots
10 the previous year, between the Federation and the
11 Corporation of the St. Lawrence, Kingston Pilots.

12 Q Was there some time in 1957, or begin-
13 ning of 1958, some changes in the administrative
14 organization of the Department of Transport in matters
15 of pilotage, to your recollection?

16 A Yes.

17 Q Can you pinpoint approximately when this
18 occurred?

19 A 1957 it was completely...

20 Q Was it the beginning or end of 1957?
21 Can you say a little more precisely?

22 A I think it was towards the end of 1957.

23 Q All right, would you tell us what was
24 this change or this re-organization?

25 A Well there was a complete re-organization
26 of administration.

27 Q Would you explain in what way?

28 A Well as far as pilotage was concerned
29 prior to this there was a director of marine regu-
30 lations. When this re-organization took place, there



1 English

2 were other positions created and as far as pilotage
3 was concerned there was a creation of the position of
4 the director of marine regulations.

5 Q I am not too sure that I understand.
6 You said that before this new position was created
7 there was a director of marine regulations.

8 A No, a director of marine services before.
9 And this is the director of marine regulations and
10 pilotage came directly under the director of marine
11 regulations, not under the director of marine services.

12 Q And what other changes, if any, were
13 made in the administrative organization?

14 A There was a position created chief of
15 the nautical division I believe at that time also. I
16 am just going from memory now, who was also concerned
17 with pilotage.

18 Q So that we may understand this fully,
19 in matters of pilotage when matters had to be settled
20 whom did you go to before this re-organization?

21 A The director of marine services.

22 Q After the re-organization?

23 A Director of marine regulations.

24 Q Under the director of marine regulations
25 was there anybody charged with pilotage in the hier-
26 archy?

27 A Yes, there was the chief of the nautical
28 division of pilotage and also the superintendent of
29 pilotage.

30 Q Did these posts exist before the



English

re-organization?

A No. I think, as far as I can recall, previously it was the supervisor of pilotage that was changed to the superintendent of pilotage.

Q Changed in name perhaps.

A But with these changes in administration, and this concerned us most, there was also a change in the policy of the Department of Transport.

Q In what way?

A Well previously the Department encouraged us to negotiate directly with the pilots, or at least they didn't discourage that procedure.

My Lord, I would like to make a statement before we go any further on this situation, that during my testimony I may be critical about the Department of Transport and I want to go on record that I am not critical of the individuals that I was dealing with. I consider that they are all fully qualified, and certainly highly competent. If I am critical, it is in connection with the system of the Department of Transport.

THE CHAIRMAN: I may add that from what I have gathered so far in all our investigation, that this is the feeling we have also. All the remarks we have had before were not directed at individuals, but really at the system.

COMM SMITH: Excuse me, My Lord.

Captain, while you are answering the question put by Mr. Brisset on the Departmental policy



1 English

2 a few minutes ago, you mentioned that the Shipping
3 Federation and the pilots came to an understanding or
4 an agreement as to the increase in pilotage and you
5 gave the figures.

6 THE WITNESS: Yes, sir.

7 COMM SMITH: Now I know that any pilot-
8 age tariff ~~was~~ has to be implemented formally in Ottawa
9 but my question is this: Would an understanding or an
10 agreement between the pilotage organization and the
11 Shipping Federation be tantamount to the implementation
12 of that agreement by the Ottawa authorities?

13 THE WITNESS: Yes.

14 COMM SMITH: Was that the custom?

15 THE WITNESS: Yes, that was the custom.
16 There was no hesitation on the part of the Authorities
17 when the Federation and the Pilots could conclude an
18 agreement, there was no hesitation on the part of the
19 Authorities in Ottawa in putting that agreement in
20 effect as an amendment to the by-laws of the particular
21 district, or district concerned.

22 COMM SMITH: Thank you.

23 Q Now you have been speaking of this re-
24 organization and indicated that you might, during the
25 course of your evidence, be critical of the system.
26 I would like to pursue this question and ask you
27 whether in the years that followed this re-organization
28 you found an improvement or not over what it was before?

29 A No. We did not find an improvement.
30 On the contrary.



English

Q In what respect?

A Well it is difficult to know exactly where to start here. There was a number of developments about this time. There was this new organization. There was the local committee formed and there was also an inter-departmental committee formed. Now in the years previously, the Federation had been making recommendations to the Department of Transport with regard to this administration of pilotage in particular, and we had suggested this local committee to deal with local matters.

Q Now when you say you had suggested this local committee to deal with local matters, do you have any correspondence in this regard to which you can refer the Commission, and file it?

A Yes.

Q I think I have here, to assist you, a memorandum dated October 28th, 1957 referring to a letter dated July 23rd 1957 addressed to the Deputy Minister of Transport.

A Excuse me, what date was that?

Q Letter dated July 23rd 1957 followed by a memorandum dated October 28, 1957?

A That is correct, yes.

Q Will you file these two documents as Exhibit 908?

---EXHIBIT NO. 908: Two documents dated October 28, 1957 and July 23rd, 1957.



1 English

2 Q Captain, insofar as your letter of July
3 23rd 1957 to the Deputy Minister is concerned, Exhibit
4 908, I would like to refer for the moment to the refer-
5 ence contained in the last part of it, to the form-
6 ation of a committee or commission and I would like to
7 ask you whether your subsequent memorandum of the 28th
8 of October, 1957 is the memorandum which explains what
9 this committee or commission was intended to achieve?

10 A That is correct, yes.

11 Q Briefly would you tell us what was the
12 gist of your recommendation at the time?

13 A In connection with that committee or
14 commission?

15 Q Yes?

16 A Well the purpose of this suggestion was:
17 expediency had shown, had indicated to us that the
18 Ministers of Transport were being subjected to political
19 pressure from time to time from the pilots. This
20 pressure usually came along just prior to election.
21 I think that was the case, and one particular case,
22 and we felt that this was not a very desirable situ-
23 ation and this committee was proposed so that it would
24 relieve the Minister of these pressures.

25 The idea was that the local committee
26 would administer pilotage locally and keep the main
27 committee, or central committee in Ottawa informed of
28 everything that developed at the local level and then
29 the main committee or advisory committee, as it was
30 referred to sometimes, would know the picture and when



English

the Minister was faced with a problem, he could consult this advisory committee who would be familiar with the whole situation and be guided according to their advice rather than be guided by political pressures.

Now that was what was behind this suggestion.

Q Now this suggestion was finally put in shape, in the form of a memorandum that you have filed as Exhibit 908 dated October 28th, 1957, and am I right in understanding that it was about at that time that there was a change in the administrative organization of the Department?

A Yes.

Q Now following this change was there any action taken on your recommendation that there be local committees appointed to deal with local matters?

A Yes, local committees were appointed.

Q Now will you tell us when this took place, and whether you had an exchange of memoranda and correspondence with the Department of Transport at that time?

A Yes. We had a letter in this connection from the Department of Transport dated 26 August 1958 signed by Captain F.S. Slocum. And enclosed in this is terms of reference.

Q Terms of reference of what?

A Of the local committee.

Q Now so that we may follow your development of this particular event, will you tell us briefly



English

how this committee was organized and of what type of people it was to be composed?

A Yes. This matter, I should say, was discussed at a meeting with the Federation on August 14th, 1958 and subsequently we got this letter of August 26th, 1958 from Captain Slocum. The composition of the proposed committee will be as follows:

Chairman: Captain Russell Jones of the Department of Transport. Mr. J.T.J. Mellanson, Superintendent of Pilots, two representatives from the United Montreal Pilots, one representative from the Shipping Federation of Canada, one representative from the Canadian Ship-owners' Association and the Dominion Marine Association jointly.

Q That was to be the local committee which was to have jurisdiction where? In what district?

A In the Montreal district.

Q Was there to be a similar committee in the Quebec district?

A Yes.

Q What about the Kingston District?

A I cannot recall the Kingston district.

Q At all events, in addition to these two local committees was there to be another committee having jurisdiction over those two committees you have referred to? What I might call an inter-departmental committee?

A Yes, there was a top level committee and this turned out to be a little bit different from



1 English

2 what we had suggested.

3 Q What was eventually organized by way of
4 an inter-departmental committee having jurisdiction
5 over the local committees?

6 A The inter-departmental committee was
7 formed.

8 Q Yes, but what was its composition? You
9 may refer to your notes if you wish.

10 A The Department of Transport officials.
11 There was the director of marine services, the chief --

12 Q I thought then it was the director of
13 marine regulations?

14 A I mean marine regulations, I am sorry.

15 Q He was to head that inter-departmental
16 committee?

17 A That is right.

18 Q Who else was there on that committee?

19 A The chief of the Nautical Division and
20 the Superintendent of Pilots, the local Superintendent
21 of Pilots and also the Superintendent of Pilots in
22 Ottawa.

23 Q Now what you have explained to us is
24 contained, I take it, in the exchange of correspondence
25 and memoranda which took place at the time with the
26 Department?

27 A That is correct.

28 Q Will you file this exchange as Exhibit
29 909?

30 I have to apologize to this Commission



1 English

2 if all our documents are not quite ready. We frankly
3 did not expect to start this week and some of the docu-
4 ments have not yet been properly assembled.

5 THE CHAIRMAN: That is quite all right.

6 A These are two letters from the Depart-
7 ment of Transport that I am filing.

8 Q Including the terms of reference of
9 the committee.

10 A Yes.

11 ---EXHIBIT NO. 909: Two letters dated July
12 11th, 1958 and August
13 26th, 1958.
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1 English

2 Q Now Captain I would like to refer you
3 to the terms of reference of these committees which
4 were formed under the re-organization that took place
5 at the time. I would like to go over that with you so
6 that ^{you} might explain to us in what way the committees
7 functioned and whether they did, in fact, meet the
8 terms of reference.

9 You have before you these terms of
10 reference. The first term of reference stated:

11 "To make recommendations concern-
12 ing any amendments to the by-laws which
13 might be deemed desirable."?

14 A Yes.

15 Q Then to make recommendation with
16 respect to pilotage and procedure in the recruitment
17 of pilots and of increase or decrease in the number of
18 pilots and apprentices to be licensed. (C):

19 (C) "To make recommendation as to
20 the composition of the examining board for
21 entrance into the pilotage service whether as
22 apprentice or as pilot according to the
23 term of recruitment."

24 (D): "To make recommendation
25 with respect to setting up training pro-
26 cedures for apprentices and pilots."

27 Stopping there, Captain, will you tell
28 me whether the committees that were appointed at the
29 time ever did anything to meet these terms of reference,
30 the ones I have just quoted?



1 English

2 A Yes, with respect to D, making recom-
3 mendations with respect to setting up training pro-
4 cedures for apprentices and pilots, as a matter of
5 fact previously to the organization of these Committees
6 the Federation had made recommendations along these
7 lines to the Department of Transport.

8 As a result of these recommendations
9 it was first studied in this local committee.

10 Q In the Montreal district?

11 A In the Montreal district, this was one
12 of the matters that was discussed and fully explored
13 in discussion.

14 Q You have stated that prior to the
15 formation of this committee, the Shipping Federation
16 had made some representations or recommendations with
17 respect to training procedures for apprentices and
18 pilots. How far back had that been done or taken
19 place?

20 A Oh, at least 1957.

21 Q Am I right in suggesting to you that it
22 would have been done in your letter of July 23rd, 1957
23 which has been filed as Exhibit 908?

24 A That is correct.

25 Q Now, you stated that at the first meet-
26 ing of the Special Committee or Committee in Montreal
27 this term of reference D to make recommendation with
28 respect to setting up training procedures for ap-
29 prentices and pilots was dealt with. Would you tell
30 us when this meeting took place and what happened?



English

A I don't know if I have got the date of that meeting.

Q Well, at any rate have you prepared some memorandum?

A As a result of the meeting and the discussions we had as far as I recall there were proposals put forward and the counsel for the United Montreal Pilots suggested a written suggestion should be prepared for submission at the next local committee meeting.

Q Had the pilots anything to offer at that meeting in 1958, the first meeting in 1958 by way of training schemes?

A Not that I recall. We did because we had previously made recommendations to the Department of Transport.

Q You told us that at this first meeting it was decided that at the next meeting the parties interested in the training of pilots would submit their recommendations to develop the scheme?

A That is correct.

Q Was that done?

A At the next meeting the Federation, myself in particular, submitted in writing recommendations. Copies were given to everyone at the meeting.

Q Did the pilots have proposals to offer at that time?

A No, they didn't submit anything in writing at that time, neither did the other two



1 English

2 associations, the Dominion Marine Association or the
3 Canadian Shipowners' Association.

4 Q I have before me a memorandum dated
5 October 7th, 1958 and I would like you to tell me
6 whether this was the memorandum submitted by yourself
7 on behalf of the Shipping Federation recommending a
8 training scheme for pilots?

9 A Yes, I believe that was the one that
10 was submitted at the second meeting of the local
11 committee.

12 Q I would like you to file this, the
13 memorandum, as Exhibit 910.

14 ---EXHIBIT NO. 910: Memorandum dated October
15 7th, 1958.

16 Q Captain, were copies of this memorandum
17 supplied to the pilots?

18 A Oh yes, it was distributed at the meet-
19 ing, tabled at the second meeting and distributed to
20 the pilots.

21 Q Was there any comment by the pilots or
22 their representatives at the time when this particular
23 training scheme ^{was} proposed by the Shipping Federation for
24 pilots?

25 A Yes, of course, there was considerable
26 discussion, but I just forget now. I don't have the
27 minutes of this meeting, but there were minutes taken
28 by the Department of Transport and it will be recorded
29 there. I know there was quite considerable discussion.
30



English

Q Up to that time to your knowledge had the pilots ever taken interest in the training of apprentices and pilots?

A Not to my knowledge. They may have had discussions with the Department of Transport, but not as far as I was concerned.

Q Have you had a chance to compare the proposal that was submitted at the time for the training of river pilots with the eventual proposal that was made by the pilots later on?

A Well, when the eventual proposal came out, prepared by the pilots we were happy with it because it was very close to what we had in ours for the training system for apprentice pilots.

Q It has been indicated before this Commission on a number of occasions that the pilots at all times had taken the initiative insofar as proposing schemes for training pilots. Do you agree with this?

A No, I can't agree with this. We were quite interested in that aspect, very interested.

Q At all events you feel the pilots more or less adopted your scheme for the training of river pilots, don't you?

A Well, there is indication along that line.

Q That training that you recommended as taken from your memorandum required two years at the Rimouski school?



English

A Yes. I have always been very favourably impressed with the Rimouski school and also had very, very good reports about it.

MR. JACQUES: In connection with the Rimouski school we were given to understand the students who graduated from that school are appointed to various foreign ships. Could you tell us whether the Shipping Federation plays a role in that?

THE WITNESS: No, not now, because we haven't a Merchant Marine in Canada as you know. Between 1948 and 1952 some of the companies that we represent engaged apprentices from Rimouski school. They turned out excellently. We were very favourably impressed with the apprentices we got from that school.

MR. JACQUES: Since then has the Shipping Federation played a role in trying to provide jobs on foreign ships for the graduates from the school?

THE WITNESS: I don't believe so.

MR. JACQUES: Thank you.

THE WITNESS: I will qualify that by saying it would be something well worth considering.

MR. JACQUES: Thank you.

MR. BRISSET: Q Well, Captain, while we are on this subject isn't it a fact that some of the local companies operating ships under, for instance, British flags used on their ships students that came out of the Rimouski school?

A Yes, I believe so, but that was an arrangement with the individual companies and the



1 English

2 Rimouski school.

3 Q Not through the Federation?

4 A Not through the Federation that served
5 the organization itself. It was through the individual
6 shipping companies.

7 Q After service on these ships the
8 candidates involved entered the pilotage service?

9 A I believe so, yes.

10 Q Do you know of any particular company
11 that was trying the students as cadets on their ships?

12 A Yes, Saguenay Shipping employed quite
13 a few, I understand.

14 Q Now, always referring to the terms of
15 reference, D, and the training scheme proposal sub-
16 mitted by the Federation, are you in a position to tell
17 whether eventually there was a thought given to the
18 proposals studied and discussed at the time in 1958
19 in either the Quebec or the Montreal district?

20 A Oh, yes. The proposal of the pilots
21 were put in effect, of course, and are now in effect.

22 Q Now, let us proceed with the terms of
23 reference. I would like to quote reference No. E:

24 "To act as a Board of Inquiry in
25 cases of misconduct on the part of pilots,
26 into the actions of a pilot who has been
27 involved in a casualty, into any case of
28 non-compliance with the by-laws by a pilot
29 and to make recommendations concerning such
30 disciplinary action as may be deemed suitable."



1 English

2 Will you tell us whether the Local
3 Committee functioned in the discharge of this term of
4 reference?

5 A Yes, they certainly did. As a matter
6 of fact these Local Committees developed into nothing
7 less than a disciplinary committee, which was extremely
8 unfortunate.

9 Q Now , will you give us an illustration
10 of how in the discharging of this term of reference
11 with regard to discipline the Committee actually
12 functioned. You might give us a particular case, for
13 instance, without naming the pilot or even the ship.

14 A I can recall cases in Montreal, and also
15 cases in Quebec.

16 Q Will you give us an illustration of how
17 it worked?

18 A In the case in Quebec the Superintendent
19 of Pilotage was the Chairman of the Committee. There
20 was in attendance the Local Superintendent and two
21 pilots from the Quebec district and there were two
22 representatives from the Shipping.

23 Q Were you one of those representatives?

24 A Yes.

25 Q What were you investigating, a collision
26 or anything else, or a grounding?

27 A In this particular case I believe it was
28 a collision, in the particular case I am thinking of.

29 Q Will you state how the proceedings were
30 conducted?



1 English

2 A Well, as far as I know the Department
3 conducted a preliminary inquiry into the accident in
4 the first instance, and that was made available to this
5 Local Committee. This Local Committee investigated
6 the pilot concerned or the pilots concerned and made,
7 as a result of this inquiry, made a recommendation
8 by the Committee and it was generally unanimous to the
9 Director of the Marine Regulations.

10 Q To the inter-departmental committee,
11 which had control and the supervision over the local
12 committee?

13 A Exactly. I would like to mention here
14 when these local committees first handled these dis-
15ciplinary cases we were assured, given assurance that
16 whatever recommendation was made by this Committee,
17 unanimous recommendation, that it would be put into
18 effect by the inter-departmental committee without
19 hesitation.

20 It developed that that wasn't the case
21 and therefore we felt that when we were sitting, and this
22 Committee rendered a decision, recommendation, rather,
23 that we should be kept advised of the ultimate dis-
24posal of the case, but we could get no information of
25 what was transpiring. I believe in the early stages
26 the recommendations of the Committee were given effect.

27 Eventually we could get no information
28 as to what transpired after our recommendations were
29 submitted to the inter-departmental committee and
30 eventually the committees ceased to operate, the



1 English

2 local committee ceased to operate.

3 Q To give an example let us take this
4 collision case for which you were called upon to make
5 an inquiry and make recommendations. Do you recall
6 whether there was any suspension or other disciplinary
7 measure recommended by the committee? If not in that
8 case tell us about any other case?

9 A Definitely. In one case as far as I
10 can recall there was a six-month suspension recommended.

11 Q When you recommended the six-month
12 suspension were the pilots sitting on that committee
13 in agreement?

14 A Absolutely.

15 Q Was it a unanimous decision?

16 A It was a unanimous decision and the
17 pilots were fully behind it.

18 Q Was that unanimous decision communicated
19 to the inter-departmental committee?

20 A Yes.

21 Q What happened?

22 A I don't think we ever got a report of
23 what happened.

24 Q Nothing was done?

25 A I can't recall now.

26 COMM SMITH: Did you prod the Ottawa
27 authorities or others?

28 THE WITNESS: Yes, sir.

29 COMM SMITH: And other people to get an
30 answer?



1 English

2 THE WITNESS: Yes, on one or two
3 occasions by phone and I think we had written on some
4 occasions to this effect. We certainly approached them,
5 Mr. Smith, for the result of the final disposal of the
6 cases.

7 MR. LANGLOIS: Captain Matheson, was
8 there not a case where the Disciplinary Committee
9 recommended that a reprimand be given and this recom-
10 mendation wasn't followed by Ottawa but rather a Royal
11 Commission of Inquiry, a formal investigation was
12 instituted?

13 THE WITNESS: That is correct.

14 MR. BRISSET: Q At all events,
15 Captain, these local committees eventually died out of
16 inaction, or died out of what?

17 A Well, lack of interest in all concerned
18 with them because they didn't carry out the functions
19 they were intended to carry out.

20 Q I want to pass on to the last two terms
21 of reference: To inquire into and to make recommendations
22 concerning any representations covering changes in the
23 pilotage tariff and finally to make recommendations
24 with respect to navigational aids within the district
25 concerned with a view to promoting efficiency and safe
26 pilotage, also with respect to dredging and other im-
27 provements which the committee might deem desirable.

28 Was there any action taken by the
29 committee in the discharging of these terms of reference,
30 the local committees?



1 English

2 A No, unfortunately not as far as local
3 committees in Montreal and Quebec are concerned. I
4 would like to mention on this occasion that similar
5 committees were formed in St. John N.B. and Halifax,
6 N.S. Now, the Committee in Halifax, N.S. is still in
7 being, very active, and doing a splendid job in follow-
8 ing out the terms of reference here, and particularly
9 have achieved what you just read out.

10 Q If the local committees weren't called
11 upon to put into effect these terms of reference was the
12 inter-departmental committee involved in the discharge
13 of these terms of reference, particularly with regard
14 to changes of the tariff?

15 A Yes.

16 Q Am I right in understanding that in-
17 stead of leaving this matter to the local committee
18 the
19 in any district/inter-departmental committee took over?

20 A That is correct.

21 MR. LANGLOIS: Captain Matheson, do you
22 recall any case where the committee unanimously
23 recommended the cancellation of the pilot's licence?

24 THE WITNESS: In the Quebec district?

25 MR. LANGLOIS: Yes.

26 THE WITNESS: I have a hazy recollection
27 of that. I think if I had some further lead it would
28 come to mind, but I have a hazy recollection.

29 MR. BRISSET: Could you give us a lead
30 that Captain Matheson is searching for?

MR. LANGLOIS: I don't want to give the



1 English

2 name. I could give it privately..

3 MR. BRISSET: I was intending to re-
4 quest the name.

5 MR. LANGLOIS: How otherwise?

6 MR. BRISSET: Q Captain, I would
7 like to refer you in Exhibit 911 to a letter addressed
8 by the Shipping Federation to the Honourable Minister
9 of Transport, George H. Hees dated July 12th, 1958?

10 A Yes, I have that letter.
11 ---EXHIBIT NO. 911: Letter dated July 12th, 1958.

12 Q In which it appears that at least for
13 the first time so far as this committee is concerned
14 the Federation asked that there be appointed a
15 Commission to investigate pilotage on the St. Lawrence
16 River and East Coast ports?

17 A Yes.

18 Q Was that the first request made by the
19 Federation?

20 A I am sure not.

21 Q At all events, the question I want to
22 ask you, Captain, is this: If this request was made
23 on July 4th, 1958 which was after the appointment of
24 the inter-departmental committee and local committees
25 and the re-organization of the Department of Transport
26 in the pilotage division at the end of 1957, something
27 must have been wrong somewhere to justify this
28 recommendation?

29 A With the formation of the inter-
30 departmental committees the situation deteriorated so
that is the reason for this further request.



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Matheson dr-ex
(Brisset)

English

MR. BRISSET: Now let us proceed where
we left off. My Lord, it is eleven-thirty and we are
changing the subject.

THE CHAIRMAN: We will adjourn for a
few minutes.

---RECESS



1 ---UPON RESUMING:

2
3 MR. BRISSET: My Lord, during the ad-
4 journment we have been able to determine that the
5 pilot, whose certificate the Committee had recommended
6 be cancelled, was the same pilot whose record is al-
7 ready before this Commission and this record was filed
8 in Quebec.

9 Unfortunately, I do not have the number
10 before me of the exhibit but it is the record of the
11 pilot which covers five to six pages, which I think is
12 sufficient to identify it.

13 THE CHAIRMAN: All right.

14 MR. BRISSET: Mr. Commissioner Smith
15 had asked whether Ottawa had been prodded in connection
16 with some of the decisions reached by the Local Committee
17 and we have in the file of the Federation extensive
18 correspondence in this regard, but as the correspondence
19 has the names of the pilots, and the offences, perhaps
20 the Commission would be satisfied with the simple
21 statement that Ottawa was prodded, without having to
22 file this correspondence.

23 MR. LALONDE: I am sorry, I did not hear
24 the last part.

25 THE CHAIRMAN: Mr. Brisset said, with
26 regard to the question as to whether Ottawa was
27 prodded with regard to the results of the recommendation
28 of the committee, the Federation says they have a
29 great deal of correspondence that they would be willing
30 to file but as the names of pilots are mentioned there



English

unless it is necessary only a statement be made to the effect that such correspondence exists, would be satisfactory if you wish.

MR. LALONDE: It's in the file in Ottawa. The Commission will be in a position to check anyway.

Q Captain Matheson, you were asked whether a Committee was formed for the St. Lawrence, Kingston district and you could not recall at the time you were asked this question. Have you now looked in your file for the letter received from the Department appointing this Committee?

A Yes, I have.

Q Will you attach this letter to Exhibit 909. Did the Kingston district committee ever function?

A No, not to my knowledge.

Q Not even in disciplinary matters?

A No.

COMM RENWICK: May I ask if there are more committees formed? We now have three on record formed. Were there more?

THE WITNESS: We have Montreal, Quebec and Kingston. Yes, there were. There was a committee formed of St. John, N.B. and I mentioned Halifax some time ago and it is still in effect, in Halifax.

COMM RENWICK: Thank you.

MR. JACQUES: If I recall the evidence in Halifax, this Local Committee advises merely on aids to navigation now, does it not?



Matheson dr-ex
(Brisset)

English

THE WITNESS: No. All aspects of pilotage also.

Q Except disciplinary matters?

A Except disciplinary matters and my information is that they refused to have any part of the disciplinary provisions and they never functioned on disciplinary provisions.

MR. LALONDE: Except whether they should be civil servants or not, I presume.

THE CHAIRMAN: I don't know whether this question came before the Committee in Halifax.

Q Now just before the adjournment you spoke of the situation deteriorating with the appointment of the inter-departmental committee. I was rather intrigued by this remark and I would like to ask you if you could give your reason for this statement, without going into too many details at this stage?

A Yes. Meetings between the pilots and the shipping interests were convened by this inter-departmental committee and they were held in the Government offices at Dury and Craig Streets there, and the procedure that was followed was certainly not conducive to good relationship and it certainly did not contribute to good relationship between the two parties.

In fact, what happened the pilots were alongside one side of the table; the shipowners were at the other side of the table and the inter-departmental committee sat at the head of the table in judgment. The pilots made proposals and the reaction from the



Matheson dr-ex
(Brisset)

English

shipowners invariably was no. The shipowners made proposals and the reaction from the pilots was no and just to further confuse the issue, when the Department of Transport produced statistics of the particular district, these figures were disputed by the pilots as being inaccurate and when the situation deteriorated to a low ebb, the meeting was adjourned and the inter-departmental committee returned to Ottawa for deliberations, but usually there was nothing further done about it.

That is all that happened. Well that only aggravated my position. It was unsatisfactory to the shipowners. We would rather have a good no than be kept waiting in doubt and probably, I don't know, the pilots probably felt the same way, that is what I mean when I say the situation deteriorated with this inter-departmental committee coming into effect.

Q Now Captain I want to revert to the district of Kingston and the events in 1958. What were the main events in the pilotage district in 1958?

A In 1958, of course, the opening of navigation we had a strike of the sailing masters, of the Great Lakes Pilots Association, which association I mentioned before was an association with the Masters, Mates and Pilots.

Q What was the reason for that strike?

A The reason for that strike was that we had negotiations with sailing masters and we were



1 English

2 faced with exorbitant demands, unreasonable demands
3 such as they wanted to have two pilots aboard the ship,
4 to be aboard the ship right through the lake, open
5 waters and restricted waters. I think the figure was
6 \$75.

7 Q \$75 for each pilot?

8 A For each pilot. We had other problems.
9 With increasing shipping, there was a shortage of
10 qualified sailing masters.

11 Q And of course you were expecting the
12 opening of the Seaway the following year?

13 A Exactly. We had to look ahead for the
14 opening of the Seaway and a further increase for
15 shipping.

16 Q So what did you decide?

17 A So we decided to change the whole
18 system and eliminate the sailing master system and
19 put into effect pilotage, where pilotage was necessary
20 in pilotage waters.

21 Now before proceeding further, I would
22 like to say that the Federation prior to this made
23 repeated representations to the Department of
24 Transport to develop pilotage in the Great Lakes. But
25 as far as the Canadian Government was concerned the
26 Great Lakes was no-man's-land, as far as pilotage was
27 concerned. They would have nothing to do with it.

28 Consequently our ...

29 Q I do not want to anticipate, but at
30 the same time were you not fighting the proposed



1 English

2 legislation on pilotage in the U.S.?

3 A Yes. There was a bill introduced in
4 the House of Representatives in Washington, a dis-
5 astrous bill as far as we were concerned. I think it
6 was Bill S.3.

7 Q I don't want you to go too much into
8 the Lakes situation.

9 A No, Bill 50.

10 Q The Great Lakes, the U.S. Great Lakes
11 pilotage bill, anyway?

12 A Yes.

13 Q I don't want you to anticipate too much
14 on the Great Lakes situation, which will be covered
15 later on. I just want you to tell us what was decided
16 in relation to the sailing masters in the organization
17 of pilotage on the Great Lakes at that time? In 1958,
18 in view of what you stated earlier that the Department
19 of Transport did not want to take any interest in this
20 respect at that time, what did you decide?

21 A Well we decided that the sailing master
22 system must be abolished and a new system put into
23 effect. We, in fact, put that system into effect. We
24 created an established pilotage in the Great Lakes and
25 we formed it under the Port Weller-Sarnia pilotage
26 area.

27 Q Pilotage in the restricted waters of
28 the Welland Canal, the St. Clair River, the Detroit
29 River, that is from the lower end of the Welland Canal
30 up to Sarnia. Is that correct?



1 English

2 A Correct.

3 Q Now would you briefly give us a picture
4 of what you organized there? Where did you get your
5 pilots? How did you train them?

6 A We advertised for pilots. We were faced
7 with a very difficult situation in that the sailing
8 masters were on strike, so we had to get personnel, or
9 pilots elsewhere. We advertised all over the Lakes,
10 including American principal ports. Some of the sail-
11 ing masters agreed that this was the right of the
12 shipping companies to form such pilotage, and they
13 came along with us and we selected them. In some cases
14 we trained them and they were on the payroll of the
15 Shipping Federation of Canada. We disciplined the
16 pilots and administered the district.

17 Q Who did the dispatching?

18 A We engaged an administrator who was
19 stationed at Port Weller and he reported directly to
20 myself. This was developed to be quite a successful
21 venture. We enforced strong discipline and good dis-
22 patching and these are two good factors that are im-
23 portant in pilotage, I found out.

24 Q Good dispatching and good discipline?

25 A Yes.

26 Q Were these pilots paid an annual salary
27 or as free entrepreneurs?

28 A No. We engaged them on a daily rate.
29 They were paid whether they worked or not. Due to the
30 circumstances -- it has never been the policy of the



1 English

2 Federation to engage tired pilots but in this case we
3 did have to work these pilots a little bit more than
4 we would normally because we were short of personnel
5 on account of the strike, but these men were paid on
6 a daily rate which would give them a good salary for
7 the full season and they were paid this daily rate
8 whether they worked or not.

9 MR. LANGLOIS: During the season only?

10 THE WITNESS: During the season, but
11 it was based so they would have an adequate annual
12 salary.

13 Q You told us that this worked satis-
14 factorily. Did it work the whole year of 1958?

15 A It worked the whole year of 1958, yes.

16 Q Always under your own supervision and
17 direction?

18 A And jurisdiction, yes.

19 Q Purely without intervention from either
20 Governments, the American or the Canadian?

21 A Without intervention from either
22 Government; but we were continually appealing to the
23 Canadian Government and to the American Government,
24 I believe, to take over this pilotage. What we were
25 particularly anxious to get was responsible control of
26 pilotage.

27 Now we were faced with this American
28 Union, the Masters, Mates & Pilots taking over pilot-
29 age in the Great Lakes and their ambition, as I re-
30 corded it before, was to extend not only in the Great



1 English

2 Lakes area west of Kingston, but east of Kingston.

3 Q In the Kingston district?

4 A Yes, and the Federation was violently
5 opposed to American pilots serving in that district.

6 Q Now let us leave the...

7 A I would like to just make one comment,
8 that this pilotage district was set up in the Lakes.
9 It was a simple organization. According to the users
10 it was satisfactory. It was efficient and it was
11 economical. And the following year we persuaded the
12 Department to assume the responsibility and take over
13 pilotage in that area. Of course this will be developed
14 very much further when we get into the Great Lakes
15 area.

16 THE CHAIRMAN: But in 1958 those pilots
17 were not licenced ones? They did not hold any licence?

18 THE WITNESS: No. There was no pilotage
19 in the Lakes. No provision for pilotage in the Lakes.

20 Q Now Captain let us go back to the impact
21 of the sailing masters' strike on pilotage in the
22 Kingston district at that time. That was, I think,
23 at the opening of the season of 1958? Correct?

24 A Yes.

25 Q Now what was the impact of that strike
26 in that particular district? In which way, if at all,
27 was the district affected?

28 A Well the pilots honoured the picket
29 lines that the sailing masters set up.

30 Q Where were those picket lines put up?



1 English

2 A The picket lines were put up at Kingston
3 and that was, at that time, the transfer station.
4 That was the pilot station and the pickets were out-
5 side the pilot wharf where the pilot boat was moored
6 and of course the Kingston pilots honoured it and re-
7 fused to go through the picket line.

8 Consequently, the Kingston pilots would
9 take ships up, as far as I can recall, but they would
10 not take ships down.

11 Q Isn't there an exception to this?
12 Wasn't there one pilot who crossed the picket line?

13 A Yes. There was. That pilot gave
14 evidence before this Commission.

15 Q Was that pilot Downey? What measures
16 were taken to remove the pickets?

17 A We were successful in getting an in-
18 junction.

19 Q Before the courts of Ontario?

20 A Yes.

21 Q And if you refer to page 35 of the
22 brief, Exhibit 726 I take it that the extract from
23 the Judgment of Mr. Justice McRuer that is quoted
24 there is an extract of the Judgment which you ob-
25 tained at that time?

26 A That is correct.

27 Q Now when the pickets were removed by
28 the injunction, did the pilots resume duty in Kingston?

29 A Yes.

30 Q And was there any further trouble during



1 that year in the Kingston district?

2 A No, ~~not~~ in the Kingston district.

3 Q All right, let us proceed now to the
4 year 1959 when the Seaway was opened. In preparation
5 for the opening of the Seaway, and undoubtedly the new
6 conditions that would be created, was anything done by
7 the shipping interests and the pilots concerned and/or
8 the Department to prepare for such an eventful year?

9 A Oh yes, for instance, we had to revise
10 the tariff. The tariff that applied to the old canal
11 was certainly not suitable for the conditions in the
12 Seaway and this situation resulted in numerous meet-
13 ings with the St. Lawrence, Kingston Pilots to try and
14 come up with an adequate tariff.

15 Q Now, in these discussions which were in-
16 tended to produce an adequate tariff for the pilots,
17 did the pilots mention what was in their mind; a target
18 income that they would like to attain?

19 A Yes. After numerous meetings and
20 numerous discussions, when it was evident to everyone
21 unless there was some target to aim for in our negoti-
22 ations, the pilots eventually stated they would be
23 satisfied with the same earnings as they had the pre-
24 vious year.

25 Q And what was the amount? Do you have a
26 record of the amount?

27 A Yes. \$10,500 I believe.

28 Q \$10,600?

29 A \$10,600 for pilots, yes.

30 Q Now once this target income had been set



English

for the parties concerned, was there a tariff prepared to produce this income?

A Yes. I should mention first that there was considerable discussion on the time element, the time from Montreal to Kingston and the new conditions. However, we eventually got agreement on that also and when we got an indication of the salary of the pilots, the number of pilots required, the Department came up with a proposition for a tariff.

Q Now, was that proposition accepted by both sides?

A It was accepted/both sides on the provision, I think, that it would be reviewed during the course of the season.

Q Reviewed for what purpose?

A To find out if it was adequate or if it produced more revenue than was necessary.

Q To meet the target income?

A Yes.

Q Now you refer to a tariff on page 37 of the brief of the Federation. May I take it, subject to verification with the by-laws, that this was the tariff approved by the parties at the time and eventually put into effect?

A Yes, and that tariff also provided for the detention. 14 hours from Montreal to Snell and 28 hours for the full passage.

Q I see there was a change, a material change in the basic structure of the tariff. Whereas,



English

prior to that year the tariff was on the basis of a lump sum, you had reverted to a structure based on draught and tonnage?

A Yes.

Q Was there any particular reason to change the structure at that time?

A I just can't recall.

Q At all events, at that time was it anticipated or not that the district would be eventually divided into two sections as early as 1959?

A Yes. As a matter of fact the shipping interests made strong representations to the Department to get it divided at the earliest possible moment for the reason that it would shorten the length of time for a ship to go through. If a ship went through the entire district, it meant that the ship had to anchor so that the pilot could rest.

Q We wanted a system put into effect so the ship could proceed without stopping.

Q Captain, as Appendix 14 and 13 to the brief of the Federation, there are copies of minutes of meetings of the pilotage committee attended not only by representatives of the ship interests but also by representatives of the Department of Transport and Pilots.

Subject to verification by my learned friend from the records in Ottawa, are you in a position to confirm, first of all, that these are true copies of the minutes and that they prove, for the



English

record, what took place at these meetings?

A Yes. They certainly are.

MR. LALONDE: Is that 13 and 14?

MR. BRISSET: 13 and 14.

MR. LALONDE: And were these minutes taken by the Departmental officers or what?

THE WITNESS: No. Those are our minutes.

MR. LALONDE: Those are your minutes, all right.

Q Are you aware whether the Department of Transport also kept minutes of this particular meeting?

A I would imagine so.

Q Were you ever furnished with a copy of the Department's minutes?

A No.

Q I would like to refer to Appendix 15, which is a letter dated April 28th, 1959 signed by J.R. Baldwin, Deputy Minister and addressed to yourself personally referring to reports on the recent meetings. On the topic of a new Kingston district?



1 English

2

3 A Yes.

4 Q Will you confirm it is a true copy of
5 the letter you received at the time?

6 A Yes.

7 Q The Deputy Minister in this letter
8 refers to reports on the recent meeting. Would that
9 be copies of your minutes or reports from his own
10 officers who attended?

11 A Definitely reports from his own officers.

12 Q Now, during the season, as the season
13 progressed, was there any study made by the Shipping
14 Federation on what those tariffs that had been agreed
15 at the beginning of the season was actually producing
16 by way of revenues for the pilots compared to what was
17 the target income given by them at the meeting in the
18 Spring?

19 A We, the Federation pressed the Department
20 for this information, for statistics
21 halfway through the season as it was promised at these
22 meetings, but as far as I can recall it was very late
23 in the season before we got any statistics from the
24 Department.

25 Q I would like to refer you to Appendix
26 16 of the brief, the second volume of the Shipping
27 Federation, which is a letter dated October 20th,
28 from D.R. Jones, Supervisor of Pilotage to yourself.
29 I would like you to confirm that this is the letter you
30 received at the time from Captain Jones?



1 English

2 A Yes, that is correct.

3 Q You will note that in this letter it
4 was forecast that the revenues of the pilots for the
5 year would be \$15,128.55 compared to the target income
6 that had been discussed at the Spring meeting. Could
7 you tell us whether anything was done in respect of
8 the tariff?

9 A No, the Department refused to take any
10 action to revise the tariff.

11 Q Was any representation made by the
12 Shipping Federation with a view to requesting that the
13 tariff be looked into and revised at that time?

14 A Yes, we wrote the Department about it.

15 Q The letter to which you refer is filed
16 as Appendix 17 in the same volume and dated November
17 4th, 1959?

18 A Yes, there is one, Appendix 17, and of
19 course there is also Appendix 20.

20 Q Was anything ever done by the Department
21 to bring about the revision of the tariff?

22 A No.

23 Q Even after the close of the season?

24 A No.

25 Q Now, in your brief you refer to the fact
26 that during the season itself there developed further
27 problems which might explain why the revision of the
28 tariff was more or less left aside during the season.
29 Could you give us a brief history of these particular
30 difficulties that developed during the year?



1 English

2 A Yes. In the first case there was the
3 question of the division of the district. There was
4 considerable delay in the first instance on the part
5 of the Department in establishing a pilotage office
6 at Cornwall. When this office was eventually establi-
7 shed the division was put into effect halfway through
8 the season, halfway through the season but this
9 condition didn't last very long.

10 As far as I recall the pilots demanded
11 additional pilots and refused to change at Snell.

12 Q Was there any reason advanced for this
13 refusal to have the pilots relieved at Snell?

14 A They wanted additional pilots appointed
15 and there is correspondence, I believe, in the second
16 part of our brief in connection with this.

17 Q Was there any question at that time
18 when the division was actually made of American pilots
19 doing some piloting in the District?

20 A Yes. There was some question of that.
21 I believe that was the reason why the pilots didn't
22 press this themselves with the Department, to get this
23 pilotage office established sooner at Cornwall. I
24 just forget the incident. There was some fear on the
25 part of our Canadian pilots of the American pilots
26 taking over between Snell and Eisenhower.

27 Q They wanted to remain on board the
28 ship at Snell to prevent the American pilots from
29 boarding, I would imagine?

30 A As far as I can recall it had something



1 English

2 to do with that.

3 Q How do you explain that the American
4 pilots started to be active in that section? Can you
5 tell us something about this?

6 A Yes, I think I would have to revise --
7 I don't have my notes on that here at the moment. I
8 forget this particular incident.

9 Q This may not be too important. Let us
10 leave it aside. You told us, however, that the pilots
11 refused to disembark at Snell at that time once the
12 dispatching office was established in the vicinity?

13 A Yes.

14 Q What was the practical effect insofar
15 as the ships were concerned? Was there any delay in
16 shipping, for instance?

17 A Oh, yes.

18 Q How did it affect the dispatching of the
19 ships, this refusal of the pilots to be relieved at
20 Snell?

21 A The ships would make a much quicker
22 passage if the pilots had been relieved at Snell be-
23 cause otherwise the ships entered and the pilots
24 rested, and then continued on the trip.

25 Q When you say the pilot rested, was that
26 during the night or during the day?

27 A It would probably be during the night.

28 Q Did ~~that~~ apply to all ships or to ships
29 over a certain tonnage?

30 A There was another complication at that



1 English
2 time. The pilots refused to pilot ships over 1500 tons,
3 I think the figure was, between 7:30 in the evening
4 and 4:30 in the morning.

5 Q Is that connected with the refusal to
6 be relieved at Snell?

7 A No, it is a different thing.

8 Q It is a different thing. Actually the
9 only affect of their refusal to be relieved at Snell
10 was that the pilot had to rest on the way during the
11 night and the ship had to anchor?

12 A Correct.

13 Q Now, at about the time of the official
14 ceremonies for the opening of the Seaway was there
15 some incident that occurred at that time that you
16 would recall?

17 A At that time we were presented with
18 numerous proposals, and I think one of the proposals
19 was in connection with the pilot on the Royal Yacht.

20 Q Will you refer to Paragraph 21 of the brief
21 of the Federation and confirm whether or not this was
22 a list of the men that were presented to you at the
23 time, or presented to the Pilotage Authority and
24 communicated to you?

25 A Yes, that is the list I am referring to.

26 Q Now, what happened in the light of the
27 demands that were then presented to the Department or
28 the Pilotage Authority insofar as your Federation and
29 the shipping interests were concerned?

30 A I think the greatest part of the demands



1 English
2 were granted by the Department of Transport, as far as
3 I can recollect.

4 Q Will you refer to Appendix 23, being a
5 telegram from the Deputy Minister to Mr. Mearns, the
6 General Manager of the Federation. Could you confirm
7 whether this was the telegram received from the Deputy
8 Minister related to the demands of the pilots at ~~that~~
9 time?

10 A Yes.

11 Q As you stated all of the demands under
12 the conditions in which they were made, were, in fact,
13 granted at ~~that~~ time?

14 A At that time.

15 Q What happened to the division of the
16 district? When was that settled, if at all, effectively?

17 A I think it was settled as far as I can
18 recall late in the season, October.

19 Q During that season did you keep prodding
20 the Department to give effect to the division as it
21 had been agreed at the beginning of the season?

22 A Oh, absolutely.

23 Q I would like you to refer to Appendix
24 24 and 25 as well as Appendix 26 of the brief and I
25 would like you to confirm whether these were the
26 messages or letters or telegrams addressed to the
27 Department in this connection?

28 A No. 24?

29 Q Page 59.

30 A Yes, Appendix No. 25 is a communication



1 English
2 from the Federation to the Department on that subject
3 and No. 26 is a reply from Mr. Cumyn.

4 Q Now, in addition to these telegrams and
5 letters were you also in communication by telephone or
6 directly in person with the Department during these
7 periods?

8 A Oh yes, definitely.

9 Q What type of answer were you getting
10 from the Department on the division of the district?

11 A Well, the Department has got a set
12 answer to such inquiries, generally, that this is a
13 Government body and we don't move very fast, and that
14 was basically the reply I got over the telephone.

15 Q Insofar as this shipping industry was
16 concerned was it considered that this was an urgent
17 matter or not?

18 A It was considered a very urgent matter,
19 not only on behalf of our ships but on behalf of the
20 Seaway itself.

21 MR. LALONDE: Maybe I am going to say
22 something obvious, but when you refer to the shipping
23 industry you refer to the foreign-going ships in this
24 instance?

25 MR. BRISSET: Q Yes. Now, in spite
26 of the fact that the division of the district became
27 really effective only as regards the close of the season,
28 in the tariff agreed at the beginning of the season
29 there has been provision made for detentions which
30 contemplated the division of the district?



1 English

2 A Exactly.

3 Q Now, in ^{the} computation of the pilotage
4 dues what procedure was followed as regards this
5 detention? In other words were these dues calculated
6 on the basis that the district was actually divided
7 or were they calculated on the basis that the division
8 wasn't in fact effective?

9 A They were calculated as far as I recall
10 on the basis of the division of the district, but I
11 think we took the position that we refused to pay that
12 detention until such time as the district was actually
13 divided. We paid on the 28 hour arrangement. Then,
14 of course, when the by-law was put through as referred
15 to in Appendix 26 we had no alternative but to comply
16 with it.

17 That is my recollection.

18 Q Did you protest this situation at the
19 time?

20 A Oh, yes.

21 Q Were your protests heeded?

22 A I don't think so.

23 Q Now, Captain, I would like to refer you
24 to Appendix 26 which is a telegram from Mr. Cumyn to
25 yourself. Will you confirm this is a telegram you
26 received to the effect that even though the district
27 wasn't divided you would have to pay as if it were,
28 your ships would have to pay as if it were?

29 A That is a true telegram and that is the
30 incident I was referring to previously.



1 English

2 Q Now, will you refer to Appendix 27 which
3 is a letter addressed to Mr. Paul Gerin Lajoie to the
4 Director of Marine Regulations of which apparently a
5 copy was furnished to you and confirm that this
6 letter is, in fact, a true copy of the letter you were
7 provided with at the time?

8 A Yes, this is so.

9 Q Now, you will notice in the second para-
10 graph of this letter that there is a reference to the
11 grossly inefficient system of communication and dis-
12 patching at Cornwall. What do you have to say yourself
13 in this regard, with regard to the service at that time
14 in 1959. A. The only thing I could really mention is that
15 it was late in the season before the Cornwall office
16 was properly organized.

17 When they did set up they were very in-
18 experienced dispatchers, and as far as I recall there
19 was good cause for complaint on the quality of the
20 dispatching.

21 Q Now, generally speaking, during that
22 season, Captain, how would you qualify the manner in
23 which pilotage worked in that district, was it an easy
24 year or a year full of difficulties?

25 A It was a very eventful year, full of
26 difficulties.

27 Q I would like to refer you now to
28 Appendix 29. If I may interject, perhaps there were
29 growing pains to a certain extent in that district.
30 Would you at least agree to that?



1 English

2 A Yes, I would agree, and I would like to
3 state in that connection that considering the change
4 that was brought about by changing from the old canal
5 to the new canal there was a considerable achievement
6 in the way the ships were handled by the pilots and
7 the Seaway Authority.

8 It was a complete change from the old
9 canal. I think we must give great credit to the pilots
10 for the way they accustomed themselves to the different
11 class of ships they had to handle. That could be
12 attributed to the fact of the basic training these
13 pilots had. They are more than pilots in that district.
14 They are experts and they have to be, particularly in
15 ship handling.

16 Q Where do they get this ship-handling
17 experience?

18 A They get the ship-handling experience
19 in the Lakes because before they were accepted in that
20 district there has been a tradition for years they had
21 to have a certain amount of experience as masters and
22 mates.

23 Q Now, let us go back to what you were
24 saying, it was a year full of difficulties, and in
25 this regard, difficulties I might mention with regard
26 to administration, if I may say so. I would like in
27 this respect to refer you to Appendix 9 at page 65 of
28 Volume 2 of your brief which is entitled possible
29 courses of action with regard to the St. Lawrence,
30 Kingston, Ottawa pilotage district. I would like you



1 English

2 to tell me what is the source of this document and the
3 story behind it?

4 A Well, the story behind it is the result
5 of the extraordinary difficulties we were having in
6 this particular district at that time. It is difficult
7 to describe the situation. There was a terrific
8 drive for power within the pilotage district itself.
9 The whole situation was most unsatisfactory.

10 Q When you say "terrific drive for power",
11 what do you refer to?

12 A Well, within the pilotage body itself
13 there appeared to be and with the influence of the
14 Masters, Mates and Pilots still in there, and of course
15 their own, the pilots' representative was fearful of
16 the mates and masters taking control in that district.
17 It is difficult to describe. As I say, it was a most
18 eventful year.

19 Q When you say the representative of the
20 pilots was most fearful that the Masters, Mates &
21 Pilots Association was going to take over, on what do
22 you base yourself to make this statement?

23 A This is based on discussions I had with
24 Mr. Gerin Lajoie on the subject.

25 Q Was there a drive by this organization
26 supported by the pilots to take over that district to
27 your knowledge at the time?

28 A Well, it is very difficult for me to
29 say definitely that that was the case. The Masters,
30 Mates & Pilots certainly had influence within the
pilotage body. There is no doubt about that.



English

Q Let us get back to Appendix 29. Would you tell us the history behind this document? How you came into possession of it, and so forth?

A I believe that was tabled at a meeting in the Federation -- a meeting with the Department of Transport officials. I am merely going by memory on this. If it is not commented on in the brief, I would hesitate to just say.

MR. LALONDE: Page 43 of your brief, Volume I.

A Correct. Page 28.

Q This meeting you are referring to took place on October 29th, 1959?

A Correct.

Q Do you recall who attended this meeting?

A The director of marine regulations and the Superintendent of Pilots from Ottawa.

MR. LALONDE: You said director of Marine Regulations, Mr. Cumyn and Captain Jones?

THE WITNESS: Yes.

THE CHAIRMAN: Excuse me, I suppose when you mentioned you were handed those suggestions, by whom were you handed those suggestions?

THE WITNESS: I don't know, I didn't say we were handed this. I think it was tabled and I don't know how -- I wouldn't like to say.

THE CHAIRMAN: Did you draft them?

THE WITNESS: No, sir.

MR. LALONDE: This was put by the



1 English

2 Department?

3 THE WITNESS: That is the original of it,
4 from one of the Department of Transport officials.

5 Q Now in this memorandum there were four
6 courses of action submitted or proposed, which all in-
7 volved the cancellation of the district. What was
8 the reaction of the Shipping Federation to these
9 proposals?

10 A Oh we were opposed to any such action,
11 as far as I can recall.

12 Q Did you indicate this position to the
13 officials concerned, officers concerned at the time?

14 A I don't recall the discussion at that
15 meeting.

16 Q Are you aware whether these proposals.
17 or proposals along these lines indicating the in-
18 tentions of the Department were submitted to the pilots
19 or their representatives?

20 A I couldn't say.

21 Q However, was there a meeting at the end
22 of the season in the relationship of the pilots with
23 the Shipping Federation and the ships they were supposed
24 to serve, the ocean ships following this meeting at
25 your office?

26 A Towards the end of the season I believe
27 there was a meeting on the relations.

28 Q Had there been a problem that arose
29 during that year in connection with the taxi service
30 from Smell?



1 English

2 A Yes, there was.

3 Q Would you give us a bit of the history
4 of what happened there and whether this happened around
5 the time that you had your meetings with the officials
6 of the Department, when Exhibit 29 was tabled?

7 A Yes. The taxi situation was dis-
8 cussed, I believe at that meeting and it was on account
9 of the expense accounts that were rendered for taxi
10 service.

11 Q Would you tell us how this worked then?
12 How this taxi service worked?

13 A The pilots engaged their own taxis and
14 they submitted expense accounts.

15 Q It was paid by whom?

16 A It was paid by the ships. Now these
17 taxi expenses ranged from, I think it was \$4 to about
18 \$15 or \$16; a wide range for a one-way trip and I
19 remember I objected to this seriously and urged upon
20 the Department to provide a taxi service.

21 Q Was that done?

22 A No.

23 Q Did you provide a taxi service eventually?

24 A Eventually we put a taxi service into
25 effect.

26 Q Did the pilots accept it?

27 A No. They refused to accept it. However,
28 we felt on this occasion we had to take a strong stand.
29 We were providing transportation for them. This was
30 satisfactory in every respect and we advised the



Matheson dr-ex
(Brisset)

English

Department that the service is there for the pilots, if they wanted to use it. If they did not want to use it, we will not pay for taxi service. This is a splendid service and I think the pilots eventually, after they started using it, acknowledged that it was a very good service. They were all new cars fitted up with radio-telephone. There were several cars at the disposal of the pilots and the drivers of these cars were specially instructed to be respectful and give service to the pilots, not only take them back from Smell lock to the pilot station, but take them to their homes or their lodges or their hotels, or wherever they were and pick them up there.

The operator of the service that we engaged, he had definite instructions that the service must be first-class. Despite that, the pilots refused to use it for some considerable time, hence the reason why we took the strong stand: they have got to use it or we will not pay for expenses.

Q And eventually they agreed and did use it?

A Yes.

Q And things went more smoothly --

A After that.

Q -- to the end of the season?

A That is right.

THE CHAIRMAN: We will now adjourn until two-thirty this afternoon. Prior to doing so, in view of the fact that some may not be here this afternoon,



Matheson dr-ex
(Brisset)

1 English

2 the Commission will resume its hearings on Monday,
3 February 3rd at ten a.m. as usual at the Windsor Hotel.
4 We will not have this accommodation any more, in the
5 Prince of Wales Room. This is on the 3rd floor at the
6 end of the Peacock Alley. For those who have to depart
7 earlier this afternoon, we will adjourn at four-
8 thirty.

9 ---LUNCHEON ADJOURNMENT

10
11 ---UPON COMMENCING AT 2:30 P.M.

12 MR. BRISSET: My Lord, before proceed-
13 ing with the examination of Captain Matheson, I would
14 beg the Commission's indulgence to correct three other
15 clerical errors on pages 34 and 35 of the English text.
16 In the first paragraph the reference to Appendix 10
17 should read Appendix 11.

18 In the third paragraph the reference to
19 Appendix 11 should read Appendix 12 and on page 35,
20 in the last paragraph before the quotation reference
21 to Appendix 12 should read Appendix 10.

22 Q Captain Matheson at the adjournment, or
23 just before the adjournment you were asked whether, to
24 your knowledge, the intentions of the Department with
25 regard to the abolition of the Kingston district had
26 been communicated to the pilots and you stated that
27 you could not recall but you more or less assumed that
28 this had been done?

29 A Yes.

30



English

Q I understand that you have had a chance to review your records during the adjournment and I would like you to file an exchange of correspondence between the Federation and the Department, or rather the Director of Marine Regulations after the meeting of October 28th, 1959 consisting of a letter of the Federation to the Director of Marine Regulations dated October 30th.

The reply from the Director of Marine Regulations dated November 3rd, followed by a letter dated November 6th as well as a memorandum of telephone conversations which took place on November 6th between you and Captain Jones and Mr. Cumyn on the subject in 1959.

A Yes.

-- Exhibit 912, exchange of correspondence between the Federation and the Department, dated October 30 to November 6.

Q In this connection I would like --

MR. LALONDE: Under the same reservation as to the memo and telephone conversation.

THE CHAIRMAN: Yes.

Q With regard to the telephone conversation was that memorandum prepared by yourself?

A Yes, it was.

THE CHAIRMAN: Since you have prepared that you have looked this memorandum up?

THE WITNESS: Yes.



1 English

2 Q And do you agree with what is written
3 there, as to the facts?

4 THE WITNESS: Yes, I do sir.

5 Q I would like to draw your attention to
6 a paragraph contained in your letter of October 30th to
7 the Director of Marine Regulations which reads as
8 follows:

9 "After careful consideration, the
10 joint views of the three Shipping Associations
11 concerned are that your Department, without
12 delay, advise the President of the St.
13 Lawrence, Kingston Pilots along the follow-
14 ing lines: Violations on the part of members
15 of the St. Lawrence, Kingston District of
16 the by-laws and regulations of that district
17 must cease immediately, and you are in-
18 structed to resume changing pilots at
19 Smell lock. Continued failure on your part
20 to comply with the regulations gives the
21 Department no alternative but to give effect
22 to a new system of pilotage control in this
23 area which could involve the cancellation
24 of this district. It will be regrettable
25 if the Department has to resort to the
26 foregoing solution to this problem but
27 before taking an official position on this
28 matter, the pilots are herewith warned that
29 their present violations of the by-laws
30 cannot and will not be tolerated by the



1 English

2 Department."

3 The letters of acknowledgement that
4 followed from the Department simply indicate, do they
5 not Captain, that the matters/^{is}under consideration by
6 the Department?

7 A Yes, that is correct.

8 Q Now on November 6th you had a telephone
9 conversation with Captain Jones in Ottawa. Is that
10 correct?

11 A November 9th.

12 Q I think you are mistaken. I think you
13 are looking at the date of the memorandum.

14 A Yes. I do not have a copy of the
15 memorandum here. (Witness is handed copy of memorandum.)
16 Yes.

17 Q I would like to quote part of the con-
18 versation that you recorded, which reads:

19 "As a result of a staff meeting
20 earlier in the day, the Deputy Minister
21 intends to tell the St. Lawrence, Kingston
22 Pilots at the meeting scheduled for this
23 afternoon of his intentions to take im-
24 mediate action to cancel the district if
25 the pilots do not comply with the by-laws
26 and the regulations of this particular
27 district.

28 Mr. Cumyn intends to follow the
29 same procedure as was followed when he met
30 with the three shipowners' associations,



1 English

2 that is, to advise the pilots of the four
3 alternatives that the Minister had in mind
4 in dealing with this situation."

5 A Yes.

6 Q Now what was your reaction to this dis-
7 closure of the intention of this Department? In other
8 words, did you agree that this drastic step should be
9 taken of warning the pilots the district could be
10 cancelled even before the end of the season of
11 navigation?

12 A I am afraid I can't recall that.

13 Q Will reference to your memorandum
14 assist you, if it may be suggested?

15 A Yes.

16 Q Is that the only evidence that you have
17 that probably the pilots were in fact told of these
18 intentions of the Department?

19 A I believe so.

20 Q That is all you have?

21 A Yes.

22 MR. LALONDE: For the purpose of the
23 record, and so that there be no misunderstanding, there
24 is a note also to the effect that there was a further
25 telephone conversation at four-thirty in the afternoon
26 where it is stated the Deputy Minister advised the
27 pilot delegation that the Government would not tolerate
28 the present situation whereby the pilots were dis-
29 regarding the by-laws and regulations of the district.

30 MR. BRISSET: That is right.



1 English

2 MR. LALONDE: And that would seem to be
3 -- that is all we have at the present time about the
4 gist of the conversation which took place.

5 Q That is all that you know about what
6 might have taken place between the pilots and the
7 officers of the Department?

8 A That is correct.

9 Q But after these things settled down,
10 and the season proceeded without further incident,
11 the pilots, I take it, resumed duty and the division
12 of the district was put into effect?

13 A That is correct.

14 MR. LALONDE: I would hate to inter-
15 rupt you, Mr. Brisset, but there is a reference here
16 that the meeting with the Deputy Minister adjourned
17 with the suggestion of Mr. Paul Gerin Lajoie to the
18 effect that the pilots would ask for a meeting with
19 the Shipping Federation to discuss the whole
20 situation.

21 Was there any such meeting held as far
22 as you can remember? That is the third paragraph
23 before the end.

24 A Yes, I see.

25 Q Was there such a meeting?

26 A I don't believe so.

27 Q During the course of your evidence
28 this morning, Captain, you were asked about the
29 presence of American pilots coming in to the St.
30 Lawrence district and you could not recall what the



1 English

2 facts were. Have you had an opportunity to consult
3 your records and elaborate the position?

4 A Yes.

5 Q Would you give a bit of the story
6 behind this?

7 A There was a desire on the part of the
8 American pilots to re-validate their licences. What
9 I mean by that is at one time there was a number of
10 licences issued by the U.S. Coast Guard to pilots,
11 licences covering the area from Kingston down to
12 Montreal.

13 These licences expired after two years,
14 unless the holder had made a certain number of trips
15 in the area. Now, there was a number of American
16 pilots anxious to do trips on ships between Kingston
17 and Montreal for that reason.

18 COMM SMITH: Excuse me for interrupting
19 you. I don't know whether I am following this
20 directly. As I understood it, you said that the
21 pilots were anxious to have the Coast Guard renew
22 their licences for Kingston to Montreal?

23 THE WITNESS: No, licences that were
24 issued by the Coast Guard.

25 COMM SMITH: By the Coast Guard?

26 THE WITNESS: Yes.

27 COMM SMITH: Would that be just in
28 International waters or in all the waters in Kingston-
29 Montreal?

30 THE WITNESS: My understanding is it is



1 English

2 all the waters to Montreal.

3 COMM SMITH: What authority would the
4 Coast Guard have for issuing licences outside their
5 jurisdiction?

6 THE WITNESS: Well there is no doubt an
7 answer to that question, Mr. Smith, but I am afraid I
8 can't give it to you at the moment.

9 Q If I may interrupt here, is it not
10 a fact that the Coast Guard can licence their officers,
11 whom they also call pilots, for any waters in the world?
12 This is the equivalent of a master or a mate's licence,
13 although they call it a pilot's licence?

14 COMM SMITH: Is that the enrolled or the
15 registered licences?

16 MR. BRISSET: My understanding is it
17 applies to enrolled vessels.

18 THE WITNESS: This is where we had con-
19 siderable difficulty in dealing with the Americans when
20 the Great Lakes pilotage district was set up. They
21 described their licence as pilot's licence. For
22 instance, unlimited pilot's licence would be the
23 same as a master's licence. A licence of less value
24 would be the same as a second mate's licence in Canada.

25 COMM RENWICK: Is it not true Captain
26 that those licences issued by the Coast Guard are for
27 a maximum term of two years?

28 THE WITNESS: That is correct, unless
29 the holder proceeds through the area on a certain
30



1 English

2 number of trips within the two years, then the licence
3 expires. Now some of these Americans thought their
4 licences were just about to expire, and they were very
5 anxious to do trips within the St. Lawrence, Kingston
6 district.

7 I was just as anxious to keep the
8 Americans out of the area and, as a matter of fact,
9 took measures to warn the agents of the ships that we
10 represented not to allow these Americans aboard the
11 ships. Some of them got on the ships, despite that and
12 I believe that some of them made trips on some of the
13 Lakes ships.

14 Now I also took measures to warn some of
15 the Lakes companies about these practices, particularly
16 some of the Canada Steamship Lines I remember.

17 MR. LALONDE: Is it not a fact also
18 Captain, that these licences, in some instances at least,
19 would seem to have been issued for the whole of the St.
20 Lawrence River; not only as far down as Montreal. Have
21 you had any opportunity of checking that?

22 THE WITNESS: No. I was particularly
23 concerned with the Montreal-Kingston area.

24 MR. JACQUES: My Lord, if I may inter-
25 rupt, I would endeavour to obtain further information
26 on the extent of these licences and their nature.

27 Q While we are on this subject, was there
28 any relation between what the American pilots were try-
29 ing to do and the pilots of the district, the Canadian
30 pilots of the district?



Matheson dr-ex
(Brisset)

1 English

2 A Yes. In some cases I suspected it. I
3 was suspicious of it.

4 Q In what way?

5 A Well they were getting aboard the ships.

6 Q And why would the Canadian pilots en-
7 courage this state of affairs?

8 A Well it was known to me and others, and
9 it was reported to me that the President at that time
10 of the St. Lawrence-Kingston District was at least on
11 very friendly terms with Rollo Johnson, and Rollo
12 Johnson was telling the American pilots, encouraging
13 these American pilots to get into that particular
14 district.

15 Q Now Captain I would like to leave the
16 story of the events in the Kingston District after 1960
17 and pass on to other districts in the St. Lawrence,
18 beginning with the District of Quebec to which there is
19 a reference on page 55 of the brief of the Shipping
20 Federation of Canada, Exhibit 726.

21 I just want you to relate to us the
22 salient incidents that occurred involving this parti-
23 cular district during the period we are concerned with,
24 that is up to 1960, exclusive.

25 A Yes.

26 Q Is there anything worth noting before
27 1957?

28 A No, I would say that the relationship
29 between the Federation and the Quebec pilots during the
30 period under review has been excellent.



English

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Q Were you negotiating problems directly
with the pilots during these years, and, of course,
their representatives or officers of the association?

A Yes, from time to time.

Q Now let us come to the year 1957 and I
would ask you to tell us what were the main events
that occurred during that year?



English

THE WITNESS: I think it was 1957. I am not quite sure. It could have been the year before, but there was an incident that happened that may be of interest to the Commission. This incident concerned the Canadian Merchant Service Guild. In that respect I want to state first that I have been associated with the Canadian Merchant Service Guild substantially and intimately from 1947, particularly 1947 to 1952.

I hold that organization in very high regard. I know officers of the group very well, but the incident I am about to relate in 1957, I think it was by accident I met a representative of the Canadian Merchant Service Guild at a luncheon one day and he advised me that he had been instructed by the Committee representing the Quebec Pilots that the Guild are negotiating an agreement with the Federation.

Q Agreement on what?

A Agreement on amendment to the by-laws of the district. He further stated that he was just waiting on the Quebec Pilotage Committee to assign one or two pilots that he could have at his disposal so he could commence negotiating with the Federation. He ended the conversation by saying that he hoped that he would be able to reach agreement with the Federation without taking economic actions.

I was quite disturbed at this incident because I knew the Quebec Pilots. I knew the President had been appointed a year or two before, a year before that. As a matter of fact he piloted my ship when I



1 English

2 was Master.

3 I decided to go to Quebec and have a
4 talk to the Committee down there myself about the
5 situation. As it transpired there was a ship sailing
6 at midnight that night for Port Alfred. I arranged
7 to be on the ship and this President of the Quebec
8 pilots, he was also special pilot for the Saguenay
9 Shipping Company, for Saguenay terminal at that time.
10 It was arranged or it had been arranged previously, I
11 just forget, that he would take the ship to Quebec.

12 We sailed at midnight from Montreal and in
13 the morning before breakfast, the Quebec pilot boarded.
14 Going up the Saguenay I had a talk with the President
15 of the Quebec pilots and told him of this incident and
16 told him I was disturbed and that I felt that the
17 Quebec pilots were making a mistake if that was their
18 attitude and that if the President wished to get
19 better conditions for the Quebec pilots the best way
20 to do it was to enhance the prestige of the pilots.

21 I also explained to him that the
22 Federation would always be very happy to meet and
23 discuss problems with the Quebec pilots. I was
24 amazed at this development. However the President
25 was sympathetic to the situation I described, but in
26 any event the Guild didn't, or this officer of the
27 Guild didn't negotiate with the Federation. The
28 Quebec pilots negotiated with the Federation them-
29 selves and we came to an agreement which was a happy
30 situation because our relationship continued to be



1 English

2 very good for a few years after that.

3 I think in closing I should state that
4 this pilot -- I don't know whether I should mention
5 his name or not.

6 MR. LALONDE: As far as we are concerned
7 you may.

8 THE WITNESS: Captain Brouchu and he had
9 been three or four years President of the Quebec
10 pilots. He was being relieved by another President
11 just prior to that, and frankly some advice I was
12 given...

13 MR. BRISSET: Q Was this agreement
14 that you reached communicated to the Department of
15 Transport subsequently?

16 A Yes, we advised the Department of
17 Transport and it was given effect in the by-laws.

18 Q It was an increase in rates?

19 A That is right.

20 Q Who was counsel for the Guild that year?

21 A I think it was Commission Counsel.

22 MR. JACQUES: I hasten to correct the
23 record. I wasn't counsel for the Guild but for the pilots
24 and I must say it took about two hours to negotiate
25 an increase in rates.

26 THE CHAIRMAN: That leaves the question
27 unanswered.

28 MR. LALONDE: That was called economic
29 action at that time.

30 MR. BRISSET: Q Now, Captain, were



1 English

2 there any other events of special importance in that
3 year, 1957?

4 A Yes, the Quebec pilots made strong
5 representation to the Department of Transport for a
6 transfer of the pilot station at Father Pointe to a
7 location up the river, about ten miles up river.
8 There was controversy within the pilots themselves
9 whether this pilot station should be on the north
10 shore or the south shore.

11 As far as the Federation was concerned
12 we had always been in favour of the suggestion that
13 that district should be shortened. There was a
14 stretch there that couldn't be considered by any
15 imagination to be pilotage waters.

16 Q Were you called upon as adviser, I
17 suppose, of the Shipping Federation of Canada in
18 these technical matters, to participate in the study
19 that was made at the time to choose the proper site
20 for the transfer station.

21 A Oh yes, I was. I was invited to join
22 the Committee.

23 Q Composed of what?

24 A That Committee was composed of two or
25 three pilots, the Director of the Marine Regulations,
26 the Superintendent of pilots in Ottawa, Captain Jones
27 and myself. I don't remember who else was there.

28 Q Did you make a survey of various
29 possible sites?

30 A Yes. We went to Escoumains.



1 English

2 and we went to Baie Basque and thoroughly investigated
3 the situation over there.

4 Q Did you investigate the situation on
5 the south shore too?

6 A Yes, we went to Trois Pistoles
7 and I don't know if there were any other places we
8 went.

9 Q St. Simone?

10 A The south shore was investigated and
11 another place, Trois Pistoles and some other place
12 that was looked at.

13 Q Did you have occasion to prepare a
14 brief or memorandum or statement of your conclusions
15 at the time?

16 A Yes, I did.

17 Q Briefly what was the conclusion reached
18 insofar as you were concerned and the interests that
19 you were representing?

20 A Myself personally, I was very much in
21 favour of the north shore, and particularly Baie
22 Basque.

23 Q Which is Escoumains?

24 A Baie Basque is about three miles west
25 of Escoumains.

26 MR. LALONDE: It is the place where the
27 station eventually will be or is?

28 THE WITNESS: That is right.

29 MR. BRISSET: Q It is the place where
30 the station will eventually operate if it isn't



1 English

2 operating at the moment?

3 A That is right.

4 Q You might, perhaps, file for the inform-
5 ation of the Commission a copy of the memorandum with
6 your conclusions as it was prepared at that time as
7 Exhibit 913, internal memorandum.

8 ---EXHIBIT NO. 913: Internal Memorandum re
9 situation of transfer
10 station.

11 Q Captain, the memorandum which you have
12 been speaking of and which is now filed as Exhibit
13 913 was an internal memorandum, I take it, for your
14 members?

15 A To the members of the Federation.

16 Q Are you aware that it eventually reached
17 the pilots?

18 A Yes.

19 MR. LALONDE: Would my friend go deeper
20 into that, how did this reach the pilots. My clients
21 seem to think they -- they don't seem to identify the
22 document.

23 MR. BRISSET: Q What is the basis for
24 your statement that that came into the hands of the
25 pilots?

26 A I was informed very soon after this
27 document was submitted to our members at a meeting --
28 there was a meeting of the Quebec pilots in Quebec
29 and extracts of this letter were read to the meeting.

30 Q But you didn't officially give your



1 English

2 memorandum to the pilots?

3 A No, but when I learned this I immediately
4 gave the President who was on this tour with me a
5 copy of this report.

6 Q The President of the pilots?

7 THE CHAIRMAN: Captain Brouchu.

8 THE WITNESS: It was Brouchu that got
9 the copy of the letter anyway.

10 MR. BRISSET: Q Reviewing the ex-
11 perience acquired during the last few years that the
12 station has been transferred to the north shore,
13 Les Escoumains to Baie Basque, can you express
14 to the Commission the views of the Shipping Industry,
15 I am speaking, of course, of the ocean shipping
16 industry with regard to the location of this station
17 at that particular locality?

18 A It had been established there for this
19 and
20 number of years/I think the shipping generally feels
21 that it was the best location.

22 Q In other words, you found no cause for
23 criticism since it has been operating there?

24 A No.

25 THE CHAIRMAN: You said generally.
26 Might there be a few dissidents with the old captains?

27 THE WITNESS: Well, some of the old
28 captains -- I don't know if I should say this, My
29 Lord, but some of the pilots were opposed to it and
30 these pilots talked to some of the captains and put
ideas into their heads.



Matheson dr-ex
(Brisset)

English

MR. BRISSET: Q Nowadays is there any actual criticism from masters?

A None.

Q Now, apart from these particular events that you have described to us is there any other event of importance in the Quebec district up until 1960, in particular did your relations with the pilots remain good until that point?

A Yes, the only other comment I may make is that the Quebec, the average earnings of the Quebec pilots, and I think the record will show it, are a little above the other districts.

Q Is there any explanation for that?

A Well, I think the United Montreal pilots accused the Federation of favouring the Quebec pilots at one time, but that wasn't the case. The reason that was so was that the Quebec pilots had a consistent policy of keeping the number of pilots to a minimum without any encouragement from the Federation or of the Department.

This would seem to be their policy. That accounted for, I think, the increase over the United Montreal pilots.

Q The increase, I would imagine, would be brought about by increase in the traffic and in the size of vessels coming into the St. Lawrence in the last few years before 1960?

A Yes, during these years without interfering with the tariffs there was an automatic increase



Matheson dr-ex
(Brisset)

1 English

2 in these districts, in any event, brought about by
3 the larger ships and probably these ships were deeper
4 draft ships, probably concerning an increase in
5 tonnage.

6 COMM SMITH: Excuse me, Mr. Brisset.

7 My lord, I wonder if we could be in-
8 formed whether some evidence will be adduced to
9 counter ~~or~~ oppose certain proposals that are contained
10 in the pilots' brief. For instance, just as an
11 illustration while we were ~~or~~ Quebec there is a
12 recommendation in one of the pilot organizations for
13 docking pilots in the harbour of Quebec.

14 I don't want to waste the time of
15 the Commission to go into that now, but I think the
16 Commission would be interested to have some idea if
17 there is any rebuttal evidence to a proposal of that
18 kind, and there are others.

19 MR. BRISSET: Yes, My lord, we do
20 comment,
21 propose to /of course, not only on the recommendations
22 of the Shipping Federation, but also on the recom-
23 mendations of the Federation of Pilots. If I might
24 explain the order we propose to follow: simply as a
25 background for what is coming later I want to review
26 the story of the district with Captain Matheson here
27 until 1960, and later on review the story from 1960
28 to 1962, and then take all the recommendations of the
29 Shipping Federation together with the recommendations
30 of the Federation of Pilots.

That is the order I propose to follow



1 English

2 which I hope will meet the approval of the Commission.
3 We may have to, at times, I will mention now, inter-
4 rupt the evidence of the witness, not only to give
5 him a chance to rest, but also to insert, particularly
6 when we take the recommendations, the evidence of
7 outsiders who will give facts, figures, statistics
8 to support the recommendation.

9 COMM SMITH: From a sort of independent
10 viewpoint. All right, thank you, Mr. Brisset.

11 MR. BRISSET: Q Since Mr. Smith has
12 brought in this question of the docking of pilots,
13 perhaps I might ask one question. Until 1960 had
14 there been any representations ...

15 A Could you repeat that?

16 Q I said since Mr. Smith has brought in
17 the matter of the docking pilots in Quebec, I simply
18 want to ask you whether during the period with which
19 we are concerned, that is until 1960 there has been
20 any difficulty in this connection or any repre-
21 sentations, requests made by the Quebec pilots to be
22 relieved when the ship was to dock in Quebec, to be
23 relieved by a docking pilot or whether the pilots do
24 their own docking without complaining about it.

25 Are you in a position to state that?

26 A I would have to look up the record. I
27 think some of the ship companies themselves, their
28 marine superintendents are going to look into this.

29 Q Perhaps we could leave it aside.

30 A Some of the companies are regularly



1 English

2 trading into that. My position, you are aware, Mr.
3 Brisset, is I would have to get authority before I
4 could express the views of them. If they don't want
5 to come forward and they wanted ^{me} to give their views
6 I can do it.

7 Q The question was simply whether before
8 1960 the matter of docking pilots in Quebec had ever
9 been raised by anybody?

10 A I believe it had been, yes.

11 Q We will check the records on this and
12 you can give us more information.

13 A I am not quite clear on that.

14 Q One further question before I leave
15 the Quebec district. Up until 1960 the system of
16 special pilots in the Quebec district was still
17 operating, was it not?

18 A I believe up to the end of 1959.

19 Q So that would have been a matter that
20 would have been a subject of discussion during the
21 off season prior to 1960?

22 A Yes, that is right.

23 Q Let us leave that aside and pass onto
24 the district of Montreal to which there is a refer-
25 ence in the brief of the Shipping Federation, Exhibit
26 726, at page 44 and following pages.

27 Now, Captain, to follow the same pattern
28 as we have followed with other districts, are you in
29 a position to tell us whether between 1952 and 1957
30 your relations with the Montreal pilots were cordial



English

and no special difficulties arose or if that wasn't the case could you give us an idea of what the difficulties were?

A I think the relations as far as I can recall, the relationship between the Federation and the United Montreal pilots has always been very good, and there was no particular incident that I can recall between 1952 and 1957.

Q Let us start then from the year 1957 and I would like to refer you to Exhibit 30 in the second volume of the Federation brief at page 66. This exhibit is a letter addressed by Mr. Paul Gerin-Lajoie to yourself dated March 8th, 1957 and is indicated as dealing with the United Montreal pilots. I would ask you to confirm whether it does incorporate the memorandum submitted to the Minister of Transport that was communicated to you at that time.

Is that the document?

A Yes.

Q You will note that the memorandum was addressed to the Minister of Transport, but, in fact, according to Mr. Gerin-Lajoie it had been forwarded to the Deputy Minister?

A Yes.

Q Was that to your knowledge the first time in which a formal request to review the pilotage situation in that district had been submitted so high up in the hierarchy of the officers of the Department of Transport? I am speaking of this particular



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Matheson dr-ex
(Brisset)

1 English

2 district now.

3 A Yes, the United Montreal district.

4 Q Anyway I don't want to tax your memory
5 if you can't answer.

6 A I am not sure of this.

7 Q As you will see this memorandum dealt
8 with a number of problems, the first one being the
9 division of the district at Three Rivers. I would
10 like you to tell us your recollection of what happened
11 in connection with this particular request of the
12 pilots at the time?

13 A Well, this question of the division of
14 the district at Three Rivers had for some time previous
15 been rather controversial as far as the Federation and
16 pilots were concerned. We were notified early in
17 1957 that the pilots were very serious in demanding
18 that this division take place, complete division.

19 This was supported by the Department of
20 Transport, the Minister of Transport. Consequently
21 we went along with it on that occasion with the ex-
22 ception that we wanted larger passenger vessels and
23 larger tankers exempt from this provision.

24 Q Is there any particular reason for this?

25 A Well, it seemed to us at that time that
26 these are fast ships, both tankers and the passenger
27 vessels. It seemed to us unreasonable they should be
28 subjected to the hazard of slowing down their maneuver
29 to discharge the pilot or take a pilot on when the
30 voyage could be done in a particularly short period



1
2 We were quite adamant we were not going
3 to give way on this point. However, the pilots were
4 quite as adamant that they were going to have this
5 division in the district for all ships. As I recall
6 it, we were told quite frankly we were going to be
7 faced with a strike unless we did agree to this. We
8 agreed with it and it was put into effect.

9 Now, My lord, in all fairness to the
10 United Montreal Pilots I would like to add to this that
11 our fears in this regard proved to be unjustified in
12 this case on the ground that there has been no incidents
13 with ships changing pilots whether they are passenger,
14 tankers or any other at Three Rivers since that time.

15 Q You had referred at the time you had re-
16 fused to concede the request for the change of pilots
17 in Three Rivers in respect to passenger ships and tankers.
18 The pilots had threatened a strike and you also
19 mentioned this morning that even prior to 1958 you had
20 asked for some kind of Commission to investigate
21 pilotage.

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Matheson dr-ex
(Brisset)

English

Would that be in connection with this same incident or other difficulties?

A No, I believe that was in connection with other difficulties.

Q I believe that in checking your records, I haven't the letter before me, there was a letter written on the 16th of May, 1957 to the Minister, or a telegram rather which I would like to read in the record. I have no copy available. This is dated May 16th 1957 and addressed to George C. Marler signed by C.T. Mearns, Shipping Federation of Canada:

"With further reference to your letter of May 2nd, and our telegraphic acknowledgment of May 7th, I have been directed to advise that as a result of extreme pressure it was decided at meeting of Executive Council of Federation held today that our members were left with no alternative but to come to some arrangement with United Montreal Pilots otherwise they would be faced with total immobilization of shipping in the River due to proposed meeting of all pilots at Three Rivers on the 21st stop.

Our members have agreed therefore with the second alternative proposed by you in your letter of May 2nd to legal representative of Montreal Pilots be given effect under protest for all vessels for a period of four weeks at the end of which



English

time the situation be reviewed stop.
Suggest this arrangement could go into
effect on May 27th stop In the case of
passenger vessels and large tankers when
no regular special pilot of a company is
available at Three Rivers the special pilot
on board to proceed to Montreal or Quebec
so that at all times passenger vessels and
large tankers will have on board a special
pilot stop When in the opinion of the
master and in consultation with the pilot
conditions are such that it would be
hazardous or impracticable to change
pilots at Three Rivers the pilot to pro-
ceed through to Montreal or Quebec stop
Mr. Gerin Lajoie representative of
Montreal Pilots advised of above ar-
rangements stop In the light of recent
developments in the Montreal Pilotage
District our members urge respectfully
you give favourable consideration to
appointment at early date to some form
of Commission to thoroughly investigate
all pilotage problems in the St. Lawrence
River."

Now you refer to other problems in
addition to the division of the district at that time.
Could you give us an idea of what these were?

A The other problems were the demand for



1 English

2 harbour pilots to be put into effect immediately in the
3 Harbour of Montreal and the abolition of special pilots
4 was the other matter, as far as I can recall.

5 Q Let us deal with the first one, the
6 appointment of docking pilots in Montreal and would
7 you please tell us how this problem was solved and
8 what happened in this regard?

9 A Well as far as this proposal is con-
10 cerned, we were not opposed to it in principle.

11 Q However, you have indicated that pilots
12 were demanding that it be done immediately?

13 A That is right.

14 Q Was that the problem?

15 A That was the problem.

16 Q Why was that a problem?

17 A Well it developed into a problem. In
18 the first instance we did not think it would be a
19 problem but it developed into a problem by virtue of
20 the fact that although the United Montreal pilots
21 were demanding this, they were unwilling to change
22 over from their United Montreal Pilots and serve as
23 harbour pilots.

24 MR. LALONDE: Service your ships or
25 your pilots you said?

26 THE WITNESS: It seemed to be a normal
27 procedure that the same senior pilots, who were ship-
28 handlers, would move from the United Montreal pilotage
29 district into the harbour of Montreal.

30 Q In other words, you were expecting the



1 English

2 River pilots, the experienced ones, the good ship-
3 handlers, to agree to serve as docking pilots or
4 shifting pilots in the Harbour of Montreal?

5 A Correct.

6 Q But that did not prove to be the case?

7 A That did not prove to be the case.

8 Q So you had no pilotage material to meet
9 the requirements for docking ships?

10 A In that regard we appealed, through the
11 Department, or with the Department to the St. Lawrence-
12 Kingston District and we were fortunate in getting I
13 believe two or three pilots from that district. This
14 scheme had to go into effect immediately and it was
15 left to the Federation to put it into effect.

16 Q How did you proceed?

17 A Well we had to working with the
18 Department, get experienced men because only experi-
19 enced men could be trained in the time available to us
20 and we got a number of these experienced men, men who
21 have been masters of ships for a number of years, and
22 there was a Selection Committee appointed for the
23 Department of Transport and the positions were ad-
24 vertised and these men were screened and without any
25 difficulty at all we had all the experienced men that
26 we required.

27 Q Now who did this selection and this ad-
28 vertising and all that you have described?

29 A I believe the Department advertised and
30 as far as the allocation is concerned, there was a



Matheson dr-ex
(Brisset)

1 English

2 Committee formed.

3 Q Composed of what?

4 A Department of Transport officials.

5 There was the United Montreal Pilots and I was on that
6 Committee myself.

7 Q So at least the Department, and both
8 the shipowners or the ocean shipping industry and the
9 pilots of the Montreal district were represented on
10 that Selection Committee?

11 A That is correct.

12 Q For candidates as pilots in that district?

13 A Yes.

14 Q Now once your pilotage material was
15 selected what was done to train them?

16 A That responsibility fell on the
17 Federation again and particularly on myself but I was
18 very fortunate that, I think it was with the con-
19 currence of the United Montreal Pilots, we got two
20 United Montreal Pilots to serve with me. One was
21 Adelard Tremblay and I forget the other one. Both
22 were very competent and experienced ship-handlers and
23 they, under my auspices, worked in training these men.

24 We put a training programme in for them.
25 Of course these men that were selected were older men
26 and they were family men and there was a case of we
27 had to pay them, so the Federation arranged to pay
28 these trainees \$10 a day while they were in training.

29 Q Now I want to pass onto the method of
30 training followed, or the procedure followed. Would



1 English

2 you explain that to us?

3 A Yes. The procedure that was followed
4 was that these experienced master mariners had to
5 start from scratch. They had to serve a certain
6 amount of time in the tugboats in the Harbour of
7 Montreal. The purpose of that was so that they would
8 become intimate with the Harbour and the operation of
9 the tugs and the currents in the Harbour, the depth
10 of water and all other matters pertaining to the
11 Harbour.

12 The next stage was that they would go
13 on ships with pilots less than 2,000 tons. Service
14 on that class of ship was of short duration, and then
15 they went on bigger ships up to about 5,000 tons and
16 then they went on to the bigger ships, ones of 5,000
17 8 and 9 thousand tons accompanied with another pilot.
18 Then after this part of the training was accomplished,
19 pilot Tremblay and his assistant in the interval would
20 give these pilots instructions and lectures and go
21 over charts of the harbour.

22 It must be remembered that this was a
23 crash programme and there was no time wasted. When-
24 ever there was a ship moving in the harbour, there was
25 one of these pilots put on the ship. If there were
26 some of the pilots not on ships, they were taking
27 lectures from these experienced ship-handlers and
28 after they went through the programme I just described,
29 then they were examined.

30 Q By whom?



Matheson dr-ex
(Brisset)

English

A By these pilots and I just forget now whether we also had some of the United Montreal Pilots assisting us. I don't recall, but they were examined anyway.

Q Did you participate or some of your masters participate in these examinations?

A No, I don't think so, not in the actual examination. I just don't believe so. I believe I am wrong there; I think somebody from the Federation, some of the masters from the Federation may have been present. I am not sure about that aspect. Of course, the Department of Transport officials were present, Superintendent of Pilots in Ottawa and Local Superintendent and after the candidate passed his examination, he was given a temporary licence and this licence permitted him to pilot on the Lake type ships.

Now these are ships where the master has been accustomed to moving himself and this is where the pilot would -- as a matter of fact, to be perfectly frank, the training pilot could get additional experience.

From there he was moved to a bigger ship maybe in company with a pilot; had the handling of the ship and proved himself capable of handling the ship and eventually after that procedure on the larger ships, when he proved himself, he was put through a further examination.

In the meantime, between this period of the temporary licence and the full licence he was



English

getting the pilotage dues/which were paid on small ships he was operating on his own. When he went on a big ship he went with a pilot until such time he got his full licence.

Now, this programme was put into effect, I think it took about three months and it is simply amazing, it is amazing to the mariners that I have spoken to that harbour pilots could be trained in such a time. The proof that the scheme was good is that there were very few accidents. It was just marvelous -- the record of the pilots for the first year.

Q Now this training programme entailed expense, I take it, Captain?

A Yes.

Q Who paid for these expenses?

A Well the ships paid. Of course, this was arranged through the pilotage office. The arrangements we made, we put a surcharge on the movages. We collected so much money on that. At least the Department collected for the Federation so much money on that and the cost of this operation was financed in that way.

Q The money collected on a surcharge on ships shifting in the harbour was remitted to whom?

A Was collected by the Department and re-
mitted to the Federation because the Federation paid
these expenses or financed this project.

Q And how much did the whole project of training, selecting these pilots, cost?



English

A The whole thing cost \$6,696.12.

Q That involved how many pilots?

A Twelve pilots.

MR. LALONDE: What about the four additional pilots? Were they not paid?

THE WITNESS: The four additional pilots were taken on subsequent to this. They were taken on the next year.

MR. LALONDE: Who paid for them?

THE WITNESS: I understand that this was handled through some arrangement of the Harbour Pilots themselves.

THE CHAIRMAN: We will adjourn now for a few minutes.

---SHORT RECESS

---UPON RESUMING:

Captain, you were asked by counsel for the Commission to provide the Commission with a statement or breakdown of the expenses of the training programme which you just described. Will you file this document as Exhibit 914?

A Yes.

---EXHIBIT NO. 914: Break-down of the expenses of the training programme.

Q I see from this document Captain that there is an item for insurance. Am I right in understanding that for the purpose of this training programme,



Matheson dr-ex
(Brisset)

English

the candidates who underwent the training were insured against the risk of personal injury and that sort of thing?

A Yes. It was mostly in connection with the tugs, as far as I remember; their operation on the tugs.

Q And that is the explanation for the item, Insurance, contained in the breakdown of the expenses of the training programme?

A Yes, that is correct.

Q Now Captain during the adjournment you asked me to correct what perhaps might have been a wrong impression left by your testimony in the telegram that was quoted by this Commission, namely, that the Shipping Federation was opposed to the system of docking pilots in Montreal.

Would you comment on this?

A Yes. In principle we were in favour of that. It was our opinion with the Seaway coming along, additional congestion of ships in that area, that it was advisable to have expert pilots. It seemed to be a very very sensible move at that particular time but, of course, what we were opposed to was the urgency in getting this into effect.

Q In other words, what you were objecting to was that you were faced, more or less, with an ultimatum that it had to take effect right away?

A Exactly.

Q Am I correct in understanding that at



1 English

2 this time the National Harbours Board had regu-
3 lations for the purpose of controlling traffic in the
4 harbour, or did that come later on?

5 A That came subsequently.

6 Q With the opening of the Seaway, am I
7 correct?

8 A After the opening of the Seaway.

9 Q The National Harbours Board enacted
10 regulations in the years or months that followed the
11 opening of the Seaway for the purpose of insuring
12 proper control of traffic?

13 A That is correct.

14 Q Now up to that time, and I am referring
15 up to 1957 or even 1958, did there exist in the District
16 of Montreal this system which I will call the system
17 of the Special Pilots?

18 A Yes, there did.

19 Q Had this system been in force for a
20 number of years?

21 A Yes. Ever since I was in connection
22 with Pilotage in Montreal.

23 Q Was there any difficulties that arose
24 at that time, or dispute in connection with this
25 system between the shipping interest and the pilots of
26 that particular district?

27 A No, not between the shipping interest
28 and the pilots, but there was difficulty, internal
29 difficulty within the pilotage body on account of this
30 system of special pilots and we came to the conclusion



1 English

2 that with this situation prevailing, that it would not
3 contribute to efficiency. Consequently, while I must
4 admit that a great many of our members were very very
5 much in favour of the special pilots, the Federation
6 as a whole, myself in particular, felt that the ad-
7 vantages of special pilots was not worth sacrificing
8 a good efficient pilotage body and it was evident that
9 as long as this system prevailed that internal dif-
10 ficulty would continue within the pilotage body.

11 Q Just for the purpose of the record, will
12 you just give us a brief outline how the special pilots
13 system operated in that district before it was
14 abolished?

15 A Well certain pilots were allocated by
16 the Department to certain companies and mostly liner
17 companies, as far as I can recall; liner vessels ir-
18 respective of the size.

19 Q By "liner vessels" do you mean regular
20 traders into the port, regular liners having ships
21 coming in on specific dates all through the season?

22 A Yes. This was a poor system anyway in
23 sometimes a great big tramp would not have a special
24 pilot and a regular trader, that was ^a small ship, would
25 have a special pilot and then there was another situ-
26 ation that was not good, in that sometimes junior pilots
27 were appointed as special pilots and we had, I recall,
28 considerable discussion with the United Montreal pilots
29 on that and I believe at one time it was mutually agreed
30 that no one with less than 10 years service should be



1 English

2 made a special pilot or that was discussed. Whether it
3 was put into effect -- I just merely mention this to
4 illustrate the difficulty that was there.

5 Sometimes a pilot, I think there was one
6 pilot, he was only three years a pilot and he was made
7 a special pilot in the Cunard Steamship Company and
8 then we had other pilots that for years were very,
9 very competent, capable in every respect who never got
10 the opportunity to be a special pilot. The reason I
11 think this came about in the Cunard Steamship Company,
12 the company and the pilots, in my opinion, were equally
13 to blame for the situation.

14 The special pilots who were allocated to
15 Cunard, they would have their own apprentice pilot go
16 along with this pilot all the time so he would be in
17 large Cunard passenger vessels all the time instead of
18 moving around. Consequently, after he had been a pilot
19 for two or three years, he was moved up to be a special
20 pilot. This caused discontent. There were various
21 aspects of it, that, frankly, were not good and not in
22 the interests of good pilotage.

23 MR. LALONDE: Captain you said that they
24 were appointed by the Department of Transport. Maybe
25 it would be better clarified now. Upon whose request
26 or on what kind of recommendation would they be appointed
27 by the Department? I understand that this is not a
28 selection which was made by the Department itself.

29 THE WITNESS: No, I believe that the
30 Company applied for particular pilots and this was on



1 English

2 recommendation from their own specials. I think that
3 was the way it was.

4 MR. LALONDE: The Companies would apply
5 for a particular name, for instance?

6 THE WITNESS: Exactly.

7 MR. LALONDE: Request the Department to
8 issue a special licence to this or that particular
9 pilot?

10 THE WITNESS: Yes.

11 THE CHAIRMAN: To your knowledge was
12 there^a/principle governing the appointment of special
13 pilots? I mean principles applied by the Pilotage
14 Authority?

15 THE WITNESS: Not to my knowledge.

16 THE CHAIRMAN: Only the consent of the
17 user, that was all?

18 THE WITNESS: Yes. They restricted it
19 to some extent, the appointment, but as far as the in-
20 dividual pilots were concerned, I don't think there
21 was too much restriction. I think if a pilot had a
22 certain amount of service, he was requested by a
23 particular Company that was entitled to get a special
24 pilot, the pilot was allocated as a special pilot.

25 THE CHAIRMAN: And you don't know
26 whether care was then taken to ascertain whether this
27 wasn't disturbing the internal arrangements of the
28 pilots or the tour-de-role pilots, and so on?

29 THE WITNESS: Well the Federation, or
30 those in the Federation that were dealing directly with



1 English

2 pilots, understood the problem and appreciated there
3 was a problem here and on that ground were not too
4 anxious to support the principle of special pilots.
5 However, you can't blame a company like the large
6 passenger Companies for wanting their own special men.

7 THE CHAIRMAN: Oh no, that is all right,
8 but I am just wondering whether you knew if any con-
9 sideration was given to them by the Pilotage Authority
10 in your dealings with them?

11 THE WITNESS: I don't think too much,
12 sir.

13 Q Just one more question on this subject.
14 What was the remuneration, apart from the pilotage dues,
15 that was paid to special pilots in those years they
16 were in effect?

17 A I think it was \$15, and then \$25 over a
18 certain tonnage.

19 Q And that special remuneration went to
20 the special pilot himself, personally?

21 A Direct to the special pilot himself, yes.

22 COMM SMITH: Captain, just to clear
23 something in my mind in connection with the docking
24 pilots in the Harbour of Montreal, if the policy of
25 the docking pilots there was a good one, and you ad-
26 mitted that it was, what objection would there be to
27 the speedy implementation of that policy, unless, as
28 you mentioned some crash programme would not be able
29 to meet the challenge of supplying the required number
30 of qualified pilots?



1 English

2 Perhaps I misunderstood you.

3 THE WITNESS: Would you just repeat that.
4 I didn't follow it.

5 COMM SMITH: If the policy of docking
6 the pilots in Montreal is a good one, and you admitted
7 that it was.

8 THE WITNESS: Absolutely.

9 COMM SMITH: What objection would there
10 be or was there at that time to the speedy implementation
11 of a good policy unless, as you mentioned previously,
12 that this was some kind of a crash programme that was
13 hurriedly put together and perhaps the pilotage re-
14 sources could not meet a challenge of that kind?

15 Was that the idea?

16 THE WITNESS: Yes, to put a programme
17 like that into effect, Mr. Smith, in the course of two
18 or three months is a great achievement.

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1 A It certainly is. You find harbour ex-
2 perts, not only good pilots, but experts out of com-
3 pletely raw material, so to speak.

4 COMM SMITH: No other resources to draw
5 from, is that the fact?

6 THE WITNESS: If we could get resources
7 from existing pilotage bodies in the area it would be
8 much better.

9 Mr.BRISSET: They weren't prepared to do
10 that.

11 A Except three pilots from the Kingston
12 district. As it happened everything went all right.
13 It is a great adjustment. We could have had serious
14 accidents in the harbour in the training programme.
15 The programme for harbour pilots is something that
16 ought to be approached with caution. It came like a
17 bolt out of the blue.

18 THE CHAIRMAN: In order to complete the
19 answer, am I right in summing up what is said, you are
20 in favour of the harbour pilots in Montreal. It was
21 urgently necessary at that time. You foresaw that it
22 would be a necessity later on when the Seaway would be
23 open and you agreed when it was proposed and you under-
24 took to organize it/you didn't expect the kind of dif-
25 ficulties you faced when there was no material.

26 THE WITNESS: The latter part of that is
27 correct. What I mean, My lord, it was normal enough
28 for us to expect that the United Montreal Pilots have
29 capacity in which case and it wouldn't be necessary to
30 have any training programme. On account of the situation



English

1 we were faced with we had to put in a proper training
2 programme.

3 THE CHAIRMAN: The situation you faced
4 was twofold, first that the Montreal Pilots asked, re-
5 quested that the programme be put into effect right
6 away.

7 THE WITNESS: Yes.

8 THE CHAIRMAN: And secondly you didn't
9 have the necessary pilots and therefore you were
10 obliged to train them.

11 THE WITNESS: They weren't even pilots.

12 MR. JACQUES: Tell me why the Federation
13 had to do it? Why didn't the Pilots set it up, and
14 not the Department?

15 THE WITNESS: Well, the same thing
16 applies to the situation that has been described in
17 the St. Lawrence, Kingston district. The same situ-
18 ation applies in the Great Lakes -- why didn't the
19 Department set up pilotage in the Great Lakes? It is
20 difficult to answer that. We are retained to do the
21 very best we can for our members and the ships that
22 come into Montreal.

23 THE CHAIRMAN: Isn't it the result of
24 the philosophy that the pilotage is a service to a
25 special group of people, that is the ship-users and
26 the shipping interest, and therefore it is up to them
27 to organize their own trade.

28 THE WITNESS: I think I would agree
29 with that, My lord.

30 MR. JACQUES: Since the Montreal pilots



1 English

2 insist on having harbour pilots and your not having
3 any objection to them, do you know why it wasn't set
4 afoot by the Montreal Pilots?

5 A I couldn't tell you. When this was set
6 up the harbour pilots were separate from the United
7 Montreal Pilots.

8 MR. LALONDE: Weren't you told by the
9 United Montreal Pilots they wanted a special group
10 of docking pilots or harbour pilots because they
11 couldn't meet the extensive duties they were called
12 upon to perform? They told you that?

13 THE WITNESS: Yes.

14 MR. LALONDE: And they couldn't provide
15 the men in the Montreal Harbour because they had no
16 men available?

17 THE WITNESS: Well...

18 MR. LALONDE: Weren't you also told in
19 the discussions that they would make these pilots,
20 Pilot Tremblay and Pilot Grenur at your disposal for
21 training these people, but that was the most they
22 could provide but as soon as these men were trained
23 they were sent back to their own district.

24 THE WITNESS: There were other reasons.
25 There was a situation, as I recall it in the Montreal
26 district where the minority group of pilots done all
27 the movages. There were many pilots that didn't do
28 any movages in the United Montreal district. It was
29 confined to a few. I think the record will show that.
30 Some of the younger pilots, I think, admitted that.



English

No doubt they didn't have the necessary experience to do it.

MR. LALONDE: They weren't doing movages, some of them. That doesn't mean they were doing docking.

THE WITNESS: They were docking. That is a different question altogether. They are still docking, Mr. Lalonde.

MR. BRISSET: Q While we are on the subject, Captain, docking pilots -- speaking of pilots that moved ships from one berth to another and from one berth to the St. Lambert lock, for instance, what in your opinion is the main requirement, the main aptitude that such a pilot must have to be a good port pilot?

A Good port pilot, the basic requirement in my opinion is to be a good ship handler. He has got to be a good ship handler.

Q How do you become a good ship handler?

A Experience, that is the only way.

Q Some natural aptitude?

THE CHAIRMAN: Some natural aptitude.

THE WITNESS: As a matter of fact if I may say so, I am engaging some of these pilots and I advise if this job turns out to be easy for them then they are going to get a very fine position but if it develops every ship that they go aboard is a major operation they had better get off it.

MR. LANGLOIS: You have to be born a



1 English

2 ship handler in some way.

3 MR. BRISSET: Q Captain, while we
4 are on the subject of docking pilots I would like to
5 draw your attention to the memorandum presented 1957
6 to which we have referred earlier and which is to be
7 found on page 30 of the second volume of the brief of
8 the Federation, Appendix 30.

9 A Appendix 30, sorry.

10 Q In this regard I would like you to pass
11 on to page 72, paragraph numbered 22 where it is sug-
12 gested that the Montreal Harbour district might con-
13 veniently include all waters between lock 1 of the
14 Lachine Canal to the west and Montreal East wharf to
15 the east which would thus become the westerly limit
16 of the Three Rivers-Montreal section or district."

17 Was there a question at the time that
18 all ships coming up river would change pilots at that
19 particular spot?

20 A Yes, 1957 we had a request from the
21 United Montreal pilots that all ships change pilots
22 at Longue Pointe. We opposed this vigorously. While
23 we were fully in accord we required river pilotage
24 for moving from one berth to another, from the berth
25 into the Seaway or vice versa, we felt it only proper
26 that the river pilots should dock and undock the ships
27 particularly as all the berths in Montreal are what is
28 known in nautical language as open berths.

29 Q Was that the first time that the United
30 Montreal Pilots or the Montreal district pilots had



1 English

2 indicated they would like to restrict their work to
3 simply river work?

4 A Yes, I believe so.

5 Q Now, Captain, I would like to pass on
6 to the events in 1958 to where there is reference at
7 page 45 and following in the brief of the Federation
8 and to Appendix 31 at page 75 of the second volume
9 of the brief. I would like you to tell me whether...

10 A Excuse me, I didn't get that appendix.

11 MR. LALONDE: 31.

12 MR. BRISSET: Q 31. I would like
13 you to tell me whether this is a document which was
14 received by you at the time indicating the request or
15 demand of the pilots for the coming season of 1958 in
16 that district?

17 A Yes, these are statistics received from
18 the Department of Transport, I believe.

19 Q Rather submitted to the Department of
20 Transport by the pilots and a copy going to you?

21 A Yes, sorry.

22 Q That letter is of February 24th, 1958?

23 A That is right.

24 Q Now, did these demands lead to studies
25 being made by the Shipping Federation or the
26 Department of Transport as to the effect which the
27 demands of the pilots would have on the tariff and
28 their consequent earnings as foreseen for that season?

29 A Yes, they were studied by the Federation.

30 Q Were they also studied by the Department



1 English

2 of Transport?

3 A I understand that they were, yes.

4 Q And particularly by the economists of
5 the Department of Transport?

6 A Yes.

7 Q I would like in this regard to refer
8 you to Appendix 32 at page 88, Volume II of the brief
9 of the Shipping Federation and I would ask you to tell
10 me what is the source or origin of the statement that
11 is contained there which purports to indicate the
12 percentage increase of pilotage dues in respect to
13 various sample ships?

14 A These are statistics that were prepared
15 by the Federation from a brief submitted by the pilots.

16 Q I am sorry, these were statistics pre-
17 pared by the Federation itself?

18 A Yes.

19 Q After its study of the pilots'
20 proposal?

21 A Yes. Now, I notice that the increases
22 proposed vary from 11 percent...

23 MR. LALONDE: 10 percent.

24 MR. BRISSET: Q 10 percent to 44
25 percent. Will you tell me whether the Federation
26 made any counter-proposal after having studied the
27 original proposal of the pilots at that time?

28 A I think at that time that we felt that
29 the proposals put forward by the economists of the
30 Department were so involved that it would require a



English

great deal of study. As far as I can recollect there was a final settlement reached on the basis of five percent for that year.

Q You have just referred to statistics prepared by the economists of the Department while my understanding is that the statistics, figures attached to the proposal of the pilots would likely have been by their own economists. Will you explain how the economists of the Department of Transport came into the picture at the time?

A Well, I can't explain how they came into the picture, but the Department had economists that prepared proposals.

Q Were these proposals submitted to you?

A Yes.

Q In the light of the proposals of the economists of the Department of Transport you yourselves prepared the statistics or figures or calculations that are put forth in Appendix 32?

A That is my understanding. That is my recollection.

Q Now, you said you considered that the proposals were much too complex. I take it that you made some kind of proposal in return as there was an agreement reached. Was your proposal to the pilots a 5 percent increase across the board?

A That is my recollection.

Q Is that the only proposal made?

A Yes.



English

Q Was that proposal eventually accepted?

A I believe so.

Q Was it agreed between the pilots and the Federation so it could be put into effect by the Department?

A No, it was done through the Department.

THE CHAIRMAN: What do you mean by that?

THE WITNESS: We advised the Department or made a proposal to the Department and, I think the Department then had discussions with the pilots. I am going from memory. I would like some reservation on that, that is my recollection.

THE CHAIRMAN: In other words whether it is a matter of authority or just a matter of compromise...

THE WITNESS: Exactly.

THE CHAIRMAN: You don't know.

THE WITNESS: I don't know. I am not sure.

MR. BRISSET: Q At all events it seems from your evidence at that stage you didn't have direct negotiations with the pilots?

A No, I don't believe so.

Q Evidently the tariff was increased by 5 percent all across the board?

A That is correct.

THE CHAIRMAN: Are you going to a new subject?

MR. BRISSET: No, but we have already



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1 English

2 reached 4:30.

3 THE CHAIRMAN: Will it take you long to
4 finish your subject?

5 MR. BRISSET: About an hour.

6 THE CHAIRMAN: I think we will adjourn
7 until February 3rd as I told you this morning.

8 ---WHEREUPON HEARING ADJOURNED TO FEBRUARY 3rd, 1964
9 at the WINDSOR HOTEL, MONTREAL.

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ROYAL COMMISSION

ON

PILOTAGE

HEARINGS

HELD AT

MONTREAL

P. Q.

VOLUME No.:

99 A

DATE:

FEB - 3 1964

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ROYAL COMMISSION ON MARINE PILOTAGE

Proceedings of the hearing
held in the Windsor Hotel,
Montreal, Quebec, on Monday,
the 3rd day of February, 1964.

COMMISSION:

The Honourable Mr. Justice Bernier	-	Chairman
Mr. Robert K. Smith	-	Member
Mr. Harold A. Renwick	-	Member
Mr. Gilbert Nadeau	-	Secretary

COMMISSION COUNSEL:

Mr. Maurice Jacques

PRESENT:

Mr. L. Langlois, Q.C.	for the Canadian Merchant Service Guild
Mr. J. Brisset, Q.C.	for the Shipping Federation of Canada
Mr. Marc Lalonde	for the Federation of St. Lawrence River Pilots; Corporation of the Lower St. Lawrence Pilots; the Corporation of the Montreal Harbour Pilots; the Corporation of the Mid-St. Lawrence Pilots; the Corporation of the St. Lawrence River and Seaway Pilots; the Corporation of the Upper St. Lawrence Pilots.
Mr. Colin Mason	for the Dominion Marine Association



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1 ENGLISH

Montreal, Quebec
Monday,
February 3rd, 1964.

3 ---Upon commencing at 10:00 a.m.

4 MR. JACQUES: As previously announced, this
5 morning we will file the report on marine radar prepared
6 by Mr. F.L. Darley-Bentley. This report deals with
7 the technical aspects of radar.

8 Also we have the report prepared by Captain
9 Morrison on the use of radar, particularly in pilotage
10 waters.

11 Lastly, we have the report prepared by J.T.R.
12 Campbell and Company with respect to the movement of
13 west bound vessels into the St. Lawrence Seaway.

14 The first report, that of Mr. Bentley, will
15 be filed as Exhibit 915, I believe.

16 ---EXHIBIT NO. 915: Report on marine
17 radar, prepared
18 by F.L. Darley-
Bentley.

19 The second one, by Captain Morrison, will be
20 Exhibit No. 916; and the third one, by J.T.R. Campbell
21 and Company will be Exhibit 917.

22 ---EXHIBIT NO. 916: Report on use of
23 radar in pilotage
24 waters.

25 ---EXHIBIT NO. 917: Report on movement of
26 westbound vessels
27 into the St. Lawrence
Seaway.

28 As regards the first two of these reports
29 I submit that they should be taken as being the
30 evidence given by the two experts, and that we dispense



1 with the reading of these reports since everybody has
2 been supplied with copies prior to the hearing; and
3 questions can be directed to the witnesses if any of the
4 parties have questions to ask.

5 THE CHAIRMAN: Yes; that was the understanding.

6 MR. JACQUES: As regards the third report,
7 that is, the report on the movement of westbound
8 vessels into the St. Lawrence Seaway, I suggest that
9 we merely file it as an exhibit, and if any parties
10 wish to ask further questions of the experts who
11 prepared the report then I shall endeavour to obtain
12 their attendance before the Commission.

13 THE CHAIRMAN: This was the Department of
14 Transport investigation?

15 MR. JACQUES: Yes.

16 THE CHAIRMAN: Then, we have no control over
17 it?

18 MR. JACQUES: No; but I might ask if they
19 would be willing to appear and discuss further this
20 report, since it is upon the terms of reference of the
21 Commission.

22 Mr. Bentley, please.

23 F.L. DARLEY-BENTLEY, sworn

24 DIRECT EXAMINATION BY MR. JACQUES:

25
26 Q. Mr. Bentley, will you give the Commission
27 your full name and the position you hold?

28 A. My name is F.L. Darley-Bentley. I am
29 Deputy Chief Engineer on research and development in
30 the telecommunications and electronics branch of the



1 Department of Transport.

2 Q. Mr. Bentley, I have read your report and
3 I have a few questions I would like you to answer.

4 Basically, as Captain Morrison said, in
5 pilotage waters radar may be used as an anti-grounding
6 and also as an anti-collision device.

7 With respect to the technical aspects of
8 radar, you have dealt with the first of these two aspects,
9 the anti-grounding, through the use of transponderers
10 or radar corner reflectors.

11 With respect to the anti-collision function of
12 radar, would you have any further comment? Would you
13 tell the Commission whether this aspect could be improved
14 and, if so, whether improvement is foreseeable in the near
15 future?

16 A. Technically, improvement in radar
17 equipment is not to be expected -- not any major
18 improvement. I would say that the improvement in
19 anti-collision would be mainly involved in the
20 procedures; and that is not really in my field.

21 Q. That is not in your field?

22 A. No; technically, radar is in a state of
23 excellence; there isn't a great deal more to expect.

24 Q. Now, do you think that the St. Lawrence
25 River, particularly from Les Escoumains to Montreal,
26 could be fitted -- I should say, could there be installed
27 in that stretch of the river transponders or corner
28 reflectors in order to facilitate navigation?

29 A. Technically, yes; it is entirely feasible.

30 Q. Do you know whether this is currently being



1 English

2 discussed by your superiors in Ottawa?

3 A. No, I don't.

4 Q. Have you, or has your section of the
5 Department of Transport, ever received any request from
6 the pilots or ship owners for the installation of
7 transponderers or corner reflectors?

8 A. Not to my knowledge.

9 Q. Not to your knowledge?

10 A. No.

11 Q. Now, there is this one last item, this
12 so-called Rat/Plan. Have you had occasion to inspect,
13 yourself, such installations?

14 A. No, I have not. I have discussed them
15 in considerable detail with the manufacturers.

16 Q. With the manufacturers?

17 A. Yes.

18 MR. JACQUES: Thank you.

19 COMMISSIONER SMITH: Mr. Bentley, far be it
20 from me to get into an academic discussion of something
21 that should be left to experts, but it is a little
22 difficult to understand or appreciate why there hasn't
23 been a greater advance in the field and science of
24 radar.

25 According to my reading, the radio-pulse echo
26 was detected many years ago, and the bits and fragments
27 of the science established away back in the days of
28 Edison, or Marconi, and, later, Hertz, the great German
29 physicist.

30 Now, it is, I think, rather common knowledge



1 English

2 that the first experimental station in England was not
3 established until 1934-35, and at that time Sir Robert
4 Watson-Watt was the one who perfected, up to the degree
5 of perfection that was possible in those days, the
6 radio-pulse echo.

7 Now, the thing that intrigues me, I think, more
8 than anything else, on the line of what I started out
9 to say, is that the progress in radar was very slow.
10 In 1922 -- June 22, 1922, Marconi, speaking to the
11 Institute of Radar Engineers at a dinner in his honour
12 in New York City, said this:

13 "As was first shown by
14 Hertz, electric waves can be
15 completely reflected by
16 conducting bodies. In some
17 of my tests I have noticed
18 the effect of reflection and
19 deflection of these waves by
20 metallic objects miles away.
21 It seems to me that it should
22 be possible to design
23 apparatus by means of which
24 a ship could radiate or project
25 a divergent beam of these
26 rays in any desired direction,
27 which rays, if coming across
28 a metallic object such as
29 another steamer or ship, would
30 be reflected back to a receiver



1 English

2 screened from the local
3 transmitter on the sending ship,
4 and thereby immediately reveal
5 the presence and bearing of
6 the other ship in fog or thick
7 weather."

8 Now, Mr. Bentley, that statement was made by Marconi
9 in 1922 and from then until 1934-35 nothing apparently
10 happened, and since then, of course, a great deal of
11 scientific progress has been made in this field; but
12 it is still far from perfect. I think in one memorandum
13 I read that radar is an aid to navigation, not a means
14 of navigation; and it seems to me that it is in that
15 particular place right at the present day, from the
16 evidence we have had at various places we have visited.

17 THE WITNESS: I think that is correct; it is
18 an aid and not a means in itself; it is not an ultimate
19 aid, but it is an excellent one -- of excellent
20 assistance to navigation.

21 The delay in producing radar was due to the
22 difficulty in generating short-pulse high-power radiation.
23 The British were the ones who solved that; and since
24 that time there has been very, very rapid advance.

25 COMMISSIONER SMITH: What do you see in the
26 future so far as future scientific progress and advance
27 in the way of perfection of radar, or can it be
28 perfected?

29 THE WITNESS: Primary radar itself, which is
30 what we are talking about, isn't going to improve a



English

great deal. It is going to improve in reliability, yes; but not in perfection a great deal.

You are limited by the size of the antenna that a ship can carry. With a big antenna, which is perhaps 24 feet across, that will give you greater range, great resolution, but that is something which will not readily fit on a small vessel; and pulse lengths are now down to about as short as they can be.

Secondary radar, as used in air traffic control, could be developed, but it has not as yet been probably because of lack of pressure from the marine people themselves.

MR. JACQUES: Q. I just one more question. There has been evidence given to this Commission in several places that the radar apparatus on the ships that pilots navigate is not always in first class, tip-top order. Have you any observation to make that would tend to advise the Commission as to how this could be improved?

A. It is a very difficult thing. One can check one's radar when the ship leaves port, but that is no guarantee that it will be working once you get out into the ocean or when the ship arrives.

One of the best things, of course, which is used by the major ship owners, is to have duplicate installations -- completely duplicate systems. This reduces the possibility of complete failure by a very large factor. But the duplication of installation is costly. There is being offered on the market today



1 English
2 a duplicate system which is arranged so that any major
3 component in the systems can be switched around. That
4 should theoretically make the chances of failure almost
5 negligible. You can have one antenna for the left hand
6 side set and one antenna for the right hand side set
7 and working in combination with each other.

8 Q. When you talk about failure do you talk
9 about complete break-downs or, perhaps, a decrease in
10 the performance or ability of the radar? I understand
11 that after several hours of operation the performance
12 of radar may not be as good as it was when it was first --?

13 A. Not several hours; this is a long-term
14 thing. The radar is put on the ship and it is checked
15 out very thoroughly to see that it performs to the
16 manufacturer's specifications and that the installation
17 has been done properly; and this, as time goes on --
18 months, weeks, or even years -- deterioration does take
19 place, and unless it is carefully maintained the
20 observer, or the operator, or the ship's navigating
21 officer, doesn't tend to see this. It has been stated
22 that a dropping factor of ten to one approximately
23 has to occur before it is obvious to the operator.

24 Q. Has to ---

25 A. Has to occur -- degradation by a factor
26 of ten -- before it is really obvious.

27 Q. To the operator?

28 A. Yes.

29 Q. When you refer to the operator do you
30 refer to the average officer of a ship, or to a man who



English

1 has received particular training?

2 A. No; I am referring to the deck officer,
3 or the navigating officer.

4 Q. Taking a man who has received particular
5 training, could he notice that degradation sooner?

6 A. Yes, I think so; he is aware of it and
7 he is looking for it.

8 Q. Do you know if it is possible to train
9 the pilots to such a degree that, on boarding a vessel
10 at Les Escoumains, they would be able to know whether
11 the radar was reliable or not?

12 A. This is difficult, if they are completely
13 unfamiliar with the set. I think it would require
14 some discussion to see how that could be done.

15 Q. Now, have you heard of a new device which
16 is connected to the radar and, upon sighting a target
17 on the screen, gives you immediately the course and
18 speeds to avoid collision, or to collide, as the case
19 may be.

20 A. This is the computer. It is tied to the
21 radar. They are expensive -- very.

22 Q. Have you seen them work?

23 A. I have read about them; and they are
24 used in air traffic control in the same way -- ground-
25 based.

26 Q. Do you think it would be suited for
27 marine purposes?

28 A. It certainly be technically, but I doubt
29 that the ship owners would want to fit it. The cost
30 would be very large.



1 English

2 Q. Have you ever made a study of television
3 as a navigation aid?

4 A. This is the so-called Rat/Plan system, or
5 such like?

6 A. Well, I refer here to page 76 of Exhibit
7 917, the report prepared by Campbell and Company and
8 I read here:

9 "That the harbour master's
10 office be provided with a system
11 of closed-circuit television to
12 enable the personnel there to
13 have visual contact with all
14 parts of the harbour and
15 seaway approaches."

16 Would this be the Rat/Plan that you referred to?

17 A. No; this sounds like a closed-circuit
18 television camera observing the harbour. I would say of
19 zero use in fog. Very fine in broad daylight; but not
20 in rain, or snow, or fog.

21 Q. Would the Rat/Plan be suitable for use
22 in fog?

23 A. It is a useful device for the ships which
24 are fitted with it, but only them.

25

26 --

27

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28

29

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30



1 English

2 Q. Would you briefly explain for the purpose
3 of the record and for the purpose of the understanding
4 of your evidence this morning, what is Rat/Plan?

5 A. Rat/Plan is a system whereby every harbour
6 controller at shore based radar receives a picture,
7 surveys the harbour or the river and has a picture of
8 what is occurring -- ships moving, shoreline outlets,
9 any obstacle, buoys and what-have-you.

10 This information is converted in a device known
11 as a scan converter to the form suitable for display
12 on a standard T.V. receiver. It is then broadcast on a
13 UHF channel -- ultra high frequency channel -- and
14 any ship that is equipped with an ordinary television
15 receiver which is capable of tuning to that channel
16 can see exactly what the shore based radar sees.

17 Therefore if we have ashore a dispatcher, or
18 controller if you like, who is observing the same
19 picture as displayed on the bridge of the ship then
20 the coordination between the shore based establishment
21 and the ship is extremely easy, and it is very useful.

22 A shore based operator can replace an
23 electronic cursor on the display which will indicate
24 to the Master of a particular ship the course he should
25 steer to reach a certain point. If they are both
26 looking at the same picture coordination is very good.
27 But it is only useful for those ships who have a
28 television receiver on board.

29 Q. Would these receivers be very expensive?

30 A. No. There could be an ordinary house



1 English

2 receiver, \$200.00, \$250.00.

3 Q. Would the shore installation be expensive?

4 A. Yes. A shore based radar itself would
5 be a good many thousand dollars and then to convert it
6 to a Rat/Plan operation is in the order of probably
7 another thirty or forty thousand dollars, and the
8 operating costs are reasonably high.

9 Q. That is for one installation?

10 A. One installation, so if you say that
11 the shore based radar itself might perhaps go \$50,000.00
12 to \$75,000.00 and then to convert it to a Rat/Plan
13 operation is probably another thirty or forty or fifty,
14 there is something in the order of what -- \$100,000.00
15 to \$125,000.00 for one installation.

16 Q. What area can you cover with this
17 installation?

18 A. This would be according to the geography,
19 the surrounding geography.

20 Q. Let us refer to the St. Lawrence River
21 between Les Escoumains, Quebec first.

22 A. You could only cover approximately twenty
23 miles up and down river there and across river.

24 Q. And across?

25 A. You might get a little more, but not much.

26 Q. So you would need several installations?

27 A. Yes, indeed you would.

28 Q. And between Quebec and Montreal?

29 A. Well, from what I know of the terrain
30 of the north shore there are some very high points and



1 English

2 you could very likely increase your range perhaps to
3 thirty, thirty-five miles.

4 THE CHAIRMAN: That is below Quebec?

5 THE WITNESS: That is below Quebec, but above
6 Quebec, very poor.

7 THE CHAIRMAN: We have heard that there are
8 quite a few blank spots as far as radio is concerned
9 that would affect also the television beams?

10 THE WITNESS: Not necessarily, sir.

11 THE CHAIRMAN: I suppose that is a matter of
12 position?

13 THE WITNESS: Yes.

14 MR. JACQUES:

15 Q. I believe that aircraft are fitted with
16 anti-collision radar; is that correct?

17 A. No, sir; they are fitted with weather
18 radar to pick out turbulence, storm clouds, cumulus
19 clouds. The use of radar for anti-collision in aircraft
20 has been very disappointing indeed.

21 Q. Would you tell us more about that, please?

22 A. Well, it is a problem. One difficulty
23 is that an aircraft is a very poor radar target really.
24 It is streamlined. It does not have any large flat
25 surfaces. It is a very poor radar target.

26 Also it is difficult to find a location on an
27 airplane where you could get a large antenna and
28 therefore a high gain narrow beam system.

29 The weather radar that is used has antennas
30 approximately 22 inches or 30 inches across and they
are mounted in the nose of the aircraft and scan about



1 English

2 240 degrees total at least. Their range and ability
3 to detect another aircraft ahead of them is very poor
4 indeed and nobody relies upon them for this purpose.

5 Q. What do they rely upon -- visual?

6 A. No. In these days of modern day
7 aircraft visual observation is no good whatsoever. They
8 rely entirely upon ground control, air traffic control
9 to observe them on ground based radar. This assigns
10 courses of aircraft who are flying on instruments.
11 That is the whole system that is used. It is not left
12 to the pilot at all because he is not in a position to
13 do anything about it.

14 MR. JACQUES: Thank you, sir.

15 BY MR. BRISSET:

16 Q. Is the Rat/Plan principle of any use or
17 could it be of any use to guide a vessel through ice
18 in the river navigation?

19 A. I would think it would be very doubtful.
20 The shore based radar may show some lines, breaks in
21 the ice, but since it is relatively low in elevation and
22 is looking at a very low angle at the ice, I should
23 think this would be very unreliable to show any breaks
24 in the ice.

25 THE CHAIRMAN: I think icebergs are very poor
26 reflectors, especially the type they call growlers?

27 THE WITNESS: Yes.

28 Q. Mr. Bentley, I understand some ships that
29 proceed through ice either in the gulf or in the arctic
30 regions are fitted with, if not special radar, at least



1 English

2 television equipment that permits them to know their
3 way through ice, receiving that information either from
4 a plane that is ahead of the ship. Can you explain this
5 system, how it operates?.

6 A. Well, in our departmental ships they use
7 a helicopter to fly ahead and report by radio to the
8 captain where the lanes exist. A good radar on board
9 ship will show you breaks in the ice, lanes in the ice
10 for a distance ahead, but only a small distance. The
11 angle gets very very small and it is very difficult to
12 see any breakes in the ice after perhaps a mile.

13 That is just a straight visual report from the
14 pilot helicopter back to the captain of the ship.

15 Q. I see. I understand that some ships also
16 are fitted with equipment on which they will receive
17 the copy of a chart indicating the position of various
18 icebergs or ice packs here and there. These reports
19 are sent, I believe, by the coast guard ice patrol.
20 Can you tell us how this system operates?

21 A. Yes. This is a facsimile, exactly the
22 same as a wired photo system as used in the newspapers.
23 The chart is made up from the information obtained from
24 an airplane with an ice observer on board. He returns
25 to his office and draws a chart showing the condition
26 of the ice breaks in the ice, opening water paths or
27 lanes. This is then graphed on a rotating drum and
28 scanned with the beam of light, which is used to
29 transmit on a transmitter -- broadcast, if you like.
30 On board ship there is a machine which rotates in



1 English

2 synchronism with it. This is a moist chemically
3 sensitive paper and the chart is reduced on this piece of
4 paper just the same way in principle as a photograph
5 is sent over wires.

6 Q. This aid to navigation, I take it, would
7 be of use for instance in the waters of the Gulf of the
8 St. Lawrence but would not be of use in narrow waters
9 as you come up the St. Lawrence; am I right?

10 A. I would hesitate to make a comment on this.
11 I think it would be only useful to find your way through
12 the ice if there are any brakes wherever it may be --
13 in the arctic or ---

14 Q. Mr. Bentley, you have been asked by my
15 learned friend Mr. Jacques about corner reflectors and
16 transponder beacons. These, I would assume, if
17 installed for instance along the St. Lawrence would be
18 purely aids to navigation like buoys and so forth.
19 If some were installed, am I right in understanding
20 that they would be of use not only in bad weather like
21 fog but in clear weather?

22 A. Well, they would certainly be seen by
23 the radar in clear weather, yes, as well as in bad
24 weather.

25 Q. Even in clear weather they would serve
26 as a double check for the pilot of the ship to determine
27 his position; is that correct?

28 A. Yes, that is right.

29 Q. These corner reflectors and transponder
30 beacons could be installed both on land and on the water;



1 English

2 is that correct?

3 A. Well, yes, any platform that will support
4 them whether moving or fixed.

5 Q. If you have a lighthouse for instance at
6 some point in the river, it could be installed -- not a
7 lighthouse, a light ship -- it could be installed on
8 the light ship?

9 A. Correct.

10 Q. It does require a substantial platform or
11 place to be installed on?

12 A. Well, I think this requires a little
13 elaboration. A single corner reflector can be put on
14 top of the buoy. There are light and relatively small
15 corner reflectors, but transponders are a little
16 different. This is an electronic device which requires
17 power and requires maintenance, and it requires to be
18 maintained in a reasonable ambient condition where it
19 is waterproof and there are not too great variations
20 in temperature and moisture conditions. So the two are
21 not the same. One has to consider whether it is a
22 corner reflector or a transponder beacon that is to be
23 installed.

24 Q. In other words the transponder beacon is
25 a much more complex equipment that requires maintenance
26 and to be looked after continually more or less?

27 A. Well, yes -- adequate routine maintenance.

28 Q. I understand that some buoys along the
29 St. Lawrence River channel are fitted with radar
30 reflectors?



1 English

2 A. This is correct.

3 Q. Are there any transponder beacons at all
4 in the St. Lawrence River?

5 A. No.

6 Q. From Montreal, Quebec, and Les
7 Escoumains?

8 A. No, they are not.

9 Q. Has your department looked into the
10 possibility of installing some of those transponder
11 beacons at strategic points?

12 A. This does not arrive within our terms
13 of reference. If we were requested to do so we would,
14 but this is a Marine Branch problem.

15 Q. Mr. Bentley, in your report in paragraph
16 12 you refer to the application of radar to harbour and
17 river surveillance and inform us that in Canada such a
18 system of radar surveillance has been installed at
19 Vancouver, at Camperdown and in the latter case for
20 surveillance of the approaches to the Halifax Harbour,
21 and at Hamilton and Toronto?

22 A. Yes.

23 Q. From your previous evidence I understand
24 that you have not had yourself a look at these
25 installations?

26 A. Not the Hamilton and Toronto ones, no,
27 definitely not. The Camperdown one I planned as
28 engineer and I know it in considerable detail. The
29 Vancouver one is a rather peculiar beast inasmuch as
30 it serves a very specific purpose at the Lion's Gate



1 English

2 bridge. I saw the first installation there that was
3 done by the National Research Council and I wrote the
4 plan for the future, the present installation that is
5 there now.

6 Q. Let me ask you a few questions about the
7 installation at Halifax. It is the one with which you
8 are the most familiar, I take it. The purpose of the
9 installation, of course, as you explain, is to keep
10 track of the traffic within a certain area, which in
11 that case would be the harbour of Halifax. This is
12 done using the radar and looking, with the result that
13 the person on duty can keep his eyes on the screen and
14 see at any one time any ship within the harbour and
15 what that ship is doing?

16 A. No, not entirely.

17 Q. Not entirely?

18 A. This was designed specifically to watch
19 ships approaching the entrance to the harbour. There
20 have been cases where ships have missed the entrance
21 and piled up on rocks in the past and there have been
22 cases where this installation has warned ships that if
23 they continued on their present course this is exactly
24 what they would do, and therefore has been able to
25 direct them towards the proper entrance to the harbour.

26 Q. In other words the installation in that
27 particular case is used mainly to guide ships coming in
28 and avoid the ships being driven ashore for one reason
29 or another. When this is noticed by the operator or
30 the person on duty, that a ship is on a course that



1 English

2 might lead her into danger, how is the ship warned?

3 A. It is warned on radio-telephone circuit
4 or on the 500 kilocycle.

5 Q. Is the system also used to control the
6 movement of the ships; in other words to direct a ship
7 to leave at a certain time and another to come into a
8 berth at a certain time?

9 A. No, it is not actually. The location of
10 that installation in Camperdown would not be suitable
11 because it does not actually see the inner harbour of
12 Halifax.

13 COMMISSIONER SMITH: Excuse me for interrupting,
14 Mr. Brisset.

15 Mr. Bentley, does this installation at
16 Camperdown replace the Camperdown light ship?

17 THE WITNESS: No; it is an added shore-based
18 aid. It does not replace it.

19 MR. BRISSET: Q. How long has the system
20 been in operation at Camperdown?

21 A. The original system was put in by the
22 National Research Council I believe in the early 1950's.
23 We replaced it with modern equipment approximately one
24 year ago.

25 Q. Would it be correct to state that it
26 has served its purpose and has been an extremely useful
27 aid, as far as you know?

28 A. Yes.

29

30



1 (English)

2 A. I believe there have been two documented
3 cases where this installation prevented a ship going
4 ashore. There are others of which I have heard which
5 are undocumented, one being an Italian liner which got
6 into trouble. This was not documented.

7 Q Do you know the harbour of Montreal?
8 If you do not know it intimately, do you at least know
9 the layout?

10 A. Just vaguely.

11 Q. Would you think that the control of
12 traffic in this harbour could be assisted if a similar
13 system as the one in Halifax were installed here?

14 A. This I think is something marine people
15 are in a much better position to answer than I.
16 Technically it would be possible to make an installation
17 which would see every ship or motorboat which was moving
18 in the harbour and exactly where they were at any one
19 time.

20 COMMISSIONER SMITH: At great expense?

21 THE WITNESS: Considerable expense, yes.

22 Q. When you say "considerable expense", can
23 you give us an idea of the range within which we might
24 be working? Is it \$100,000 or \$200,000? Or is it
25 something in between?

26 A. If it could be accomplished by one
27 installation - and this would depend upon the geography of
28 the situation - we would be talking in the order of
29 \$80,000 to \$100,000. If it could not be done by one
30 installation and it was necessary to put in two or three



1 (English)

2 radars around the harbour to see everything, then we
3 would be talking not, shall we say, of \$300,000 but more
4 probably of something like \$700,000 because one would have
5 to bring back the displays to one location and this
6 becomes very expensive.

7 Q. Of course, it will be for those that hold
8 the fiscal purse of the harbour to compare the cost of
9 such an installation with the revenues that are derived
10 from the harbour itself. It is not within your terms of
11 reference?

12 A. No, sir.

13 Q. You are aware, I am sure, of a peculiar
14 situation in the port of Montreal, namely the St. Mary's
15 current that runs down from the upper harbour and the
16 St. Lawrence Seaway entrance on the south side with the
17 ships coming out, for instance, of the Seaway and the
18 ships coming down on the St. Mary's current from the
19 upper harbour converging at the same point?

20 A. I am afraid I have no knowledge what-
21 soever of that.

22 Q. But the traffic in either St. Mary's
23 current or the Seaway canal would appear on the screen if
24 there was a radar installation for the surveillance of
25 traffic?

26 A. Presumably yes, though I have not studied
27 the geography of the situation.

28 Q. The only thing that separates the two
29 is what we know as St. Helen's Island, which is now
30 becoming the site of the World Fair, but you do not know



1 (English)

2 enough about the topography to tell us whether there will
3 be any difficulty?

4 A. No. If they are going to put large
5 buildings up there for the World's Fair you would not see
6 well, you would see one or the other but not both.

7 Q. Unless you had a two-radar affair, one
8 on the south side and one on the north side of the island,
9 you would not see?

10 A. That is correct.

11 Q. Do you know of any port in the world,
12 elsewhere than in Canada, where traffic in the harbour
13 itself is controlled with the assistance of radar
14 surveillance?

15 A. I am not familiar with the regulations
16 regarding the patrol. There is a number of ports
17 provided with very adequate radar coverage, but whether
18 or not they patrol is not something of which I have
19 knowledge.

20 Q. You mentioned in your report in paragraph
21 12 the ports of Southampton, Liverpool, Rotterdam, New
22 York, Amsterdam, San Francisco and Tokyo. Have you any
23 knowledge through your own personal observations how the
24 systems work in these ports? Have you had occasion to
25 study them?

26 A. I have had occasion to study them on
27 paper in articles describing them fully, particularly the
28 Liverpool and Southampton installations which are very
29 well described in various technical journals, and they
30 describe in detail the coverage which is available.



1 (English)

2 Q. In these two ports you have just
3 mentioned - Liverpool and Southampton - has it been found
4 necessary to have more than one radar station installed?

5 A. Yes, it has.

6 Q. It has?

7 A. Yes, it has.

8 Q. Do you know how the traffic in Southamp-
9 ton and Liverpool compares with that in Montreal, by any
10 chance?

11 A. I have no knowledge whatsoever of that.

12 Q. Mr. Bentley, in your report - which, if
13 I may say so at this stage has proved very interesting -
14 you speak in paragraph 3 of the relative motion and the
15 true motion radar type. Can I ask you this question,
16 which may be an improper question and you will tell me if
17 you can answer or not: which of the two systems would in
18 your opinion be of greater use in pilotage waters like the
19 St. Lawrence River, for instance, keeping in mind that in
20 the St. Lawrence River you have varying currents. For
21 instance, you leave Montreal and you are going down the
22 St. Mary's current; you have five or six knots. It may
23 vary at various times of the year. Then you come down
24 to two knots and go up to three knots and so forth.
25 Keeping that in mind, which of the two systems would you
26 think would be more useful?

27 A. I think my colleague Captain Morrison
28 could answer that better than I. I have never navigated
29 a ship by radar.

30 Q. To come back to my question however,



1 (English)

2 putting it differently, you mention in your report that:

3 "It is obvious that the true motion
4 display is only as accurate as the
5 speed information which is fed into
6 the system."

7 A. That is correct.

8 Q. Can you explain that to me a little more
9 than you have explained it in your report?

10 A. The whole basis of true motion is that
11 the speed, the true speed of the ship through the water
12 or the true speed of the ship over the ground is injected
13 into the system. This means that truly fixed objects
14 such as buoys or shore lines will appear truly fixed but
15 they will only appear truly fixed if the speed which is
16 being inserted into the system from power revolutions or
17 patent log information is accurate. You could actually,
18 if you put in the wrong speed, make the shore line move
19 backwards much more rapidly while the ship was moving
20 down a channel. It will not stay fixed; it looks as
21 though it is moving backwards or forwards. This is
22 dependent upon the accuracy of the speed injection in the
23 system.

24 Q. When you speak of speed being injected
25 into the system, is that done automatically without human
26 intervention or has the operator to do this himself?

27 A. It can be taken off power shaft
28 revolutions and injected automatically. Then of course
29 one has to know the speed of the ship relative to the
30 number of revolutions. Or it can be taken from a patent



1 (English)

2 log information and injected. This is actually speed
3 through the water and not speed over the bottom. The
4 operator has the option, from his knowledge of the local
5 tide and current conditions, of correcting the speed which
6 is being injected into the system.

7 Q. And he has to do that by a manual
8 operation?

9 A. Yes, manually.

10 Q. He can always, can he not, adjust the
11 apparatus by ensuring that the land or a shore point which
12 does not move actually shows as not moving on his screen?

13 A. If he has a fixed object in view such as
14 the shore line, yes.

15 Q. However, you prefer to leave Captain
16 Morrison to answer the question I put, the question
17 whether true motion or relative motion would be more
18 useful in pilotage?

19 A. I am not qualified to answer because I
20 have never navigated a vessel.

21 Q. You have spoken, Mr. Bentley, in your
22 report of the effects of rain, fog or snow on radar
23 coverage. This is explained quite fully and I will not
24 go over it. However, there is one particular element
25 about which I would like to ask your opinion. What is
26 the effect of ice on the operation of the radar? I am
27 speaking here of ice which will form, for instance, on the
28 scanner when the weather is very cold and there is what
29 we call arctic fog; you will as a result find a coat of
30 ice on the scanner and you will also find a coat of ice,



1 (English)

2 for instance, on the radar reflector of a buoy or a radar
3 reflection on a small ship. Have you ever looked into
4 this situation?

5 A. Yes, there has been quite a lot of work
6 done on this to determine just what are the effects.
7 Really, at the frequencies used in marine radar they are
8 reasonably negligible; they do reduce the range coverage
9 somewhat but they are quite negligible.

10 Q. Is it because in modern radar the wave-
11 lengths are much shorter now than in some older models?

12 A. Well, yes, this is true; they are
13 shorter. However, in effect they are not nearly as
14 short as radars used to be and the wavelengths used are
15 not seriously affected by deposits of ice on the antenna.

16 Q. In other words, you do not foresee that
17 during the cold periods of the year - say in the St.
18 Lawrence in December, November and early spring - ice
19 that might form on corner reflectors, radar reflectors,
20 would make the instruments any less useful?

21 A. No, they will reduce their range of
22 coverage slightly but not appreciably. It is not a
23 large factor.

24 Q. If I read your report correctly, Mr.
25 Bentley, you do not seem to consider that radar is of
26 any great use as an instrument for use in docking ships,
27 say on dark nights or in fog and so forth?

28 A. I would say that of the average radar
29 equipped ship this is fairly true. There is a large
30 number of radars developed and sold for this purpose with



1 extremely short pulse rate and they are of great use for
2 this, but they are not commonly fitted.

3 Q. These are the special docking radars to
4 which you have referred in your report?

5 A. So-called, yes.

6 Q. Have you seen them in operation?

7 A. Yes, I have.

8 Q. Do you find them on merchant ships or
9 rather in naval vessels, or do you just find them on
10 those ships which can afford possibly expensive equipment?

11 A. No, they are no more expensive in
12 essence but they are of very little use for long-range
13 coverage and therefore the ship owner, if he is going to
14 put in only one radar, is going to put in a universal one
15 that he can use for all purposes. One of the best
16 docking radars was developed by the National Research
17 Council and it has a range of twenty-five feet minimum,
18 and this is an extremely useful thing for docking.

19 Q. Would a range of twenty-five feet
20 minimum be used for docking?

21 A. You can see the bow and the stern of your
22 ship if it is fifty feet long and anything else in the
23 neighbourhood.

24 Q. You have mentioned very briefly in your
25 report some of the defects which can develop in the
26 instrument. Am I correct in understanding that a very
27 common and quite dangerous fault that may develop concerns
28 the misalignment of the heading marker?

29 A. It can occur but I would not say it was
30 common.



1 (English)

2 Q. It it does occur could you explain to
3 us what happens and how it can be corrected?

4 A. It is very easy to correct really, but
5 what does happen is that on a head-up display the
6 navigating officer who is relying on his heading marker
7 to indicate the heading of the bow of the ship can be
8 led into false security because the thing can have moved
9 a degree or two to left or right. He looks at the head-
10 ing marker and says that that is the way I am heading, but
11 actually in effect he can be off. It is quite readily
12 corrected, however; it is just a matter of repositioning
13 of the switch and the antenna pedestal, and these are made
14 variable for this purpose so they can be set up on
15 initial alignment and once they are locked into place the
16 likelihood of moving is small - it can occur, but it is
17 small.

18 Q. In other words, to describe what the
19 fault is - in my language, in common language - I may say
20 that if you have misalignment of the heading marker you
21 will, for instance, see on the screen a few degrees to
22 your left or to your right what is actually dead ahead?

23 A. That is correct.

24 Q. In order to be able to determine that
25 this error exists, you have to be able to check on
26 something visually? Is that correct?

27 A. That is right, yes.

28

29

30



1 English

2 Q. If you are a pilot and you are on board
3 in fog and the error exists you will have no way of
4 finding that there is an error until the accident happens
5 or until you get into clear weather?

6 A. That is perfectly true.

7 Q. How will the operator who looks after
8 the radar make sure at all times that there does not
9 exist such an error? What has he to do?

10 A. Well, you must be able to see a known
11 target and prepare its location with the location
12 displayed on the radar display.

13 Q. Would you think that this check should
14 be done as a routine matter as often as can possibly
15 be done while operating the radar?

16 A. Definitely; that would be a very
17 important check. Sometimes it is possible in larger
18 ships to take a garbage can lid and hold it up at the
19 bow -- and this is only possible with larger ships --
20 and you can see this target and see that it lies on
21 the heading marker; this you can do; but you can't do
22 it with small ships. An ordinary garbage pail lid --
23 it is a very good reflector; it is a very simple thing
24 to do.

25 Q. This is a kind of do-it-at-home method
26 of operating?

27 A. Yes; you can do it yourself. You can
28 do it every morning at 9:00 o'clock.

29 MR. JACQUES: And it can be done in fog, too?

30 THE WITNESS: Yes, it can be done.



English

1 MR. BRISSET: Q. Now, Mr. Bentley, another
2 fault I would like to mention to you -- because I have
3 had this experience -- the operator is looking at his
4 screen and suddenly the whole image goes -- there is
5 nothing. What is wrong with the machine?

6 A. Catastrophic failure; tube, condenser,
7 resistor -- the whole thing has just failed.

8 Q. Now, what would you say if I tell you
9 that when this happened the operator plays with a
10 few of the buttons on the side of the machine and the
11 picture comes back.

12 A. This can happen also. In fact, I saw
13 one man who had the habit that he kicked it every time
14 this happened and it came back.

15 Q. As sometimes you kick your television
16 when the picture goes off at home?

17 A. Yes; you can have loose connections; it
18 depends which contact -- a dirty spot on your
19 potentiometer. There are a number of things; and by
20 twisting a few knobs perhaps you can wipe the dirt off;
21 or you can clean the switch contact a bit and it will
22 continue to work. There can be fifty or sixty causes.

23 Q. But normally would you consider that
24 to be a an occurrence that should give no concern. ---

25 A. Oh, no.

26 Q. --- something that is happening all the
27 time.

28 A. Oh, no; I would say that when the ship
29 arrives at a place where there is expert maintenance
30 or help it should be reported immediately to whoever



English

1 is responsible for this maintenance, and that the set
2 is very carefully checked -- very carefully checked.

3 Q. It is a sign that there is something
4 fundamentally wrong with it?

5 A. Something wrong.

6 Q. Mr. Bentley, you have referred in your
7 report to something which, to me, is highly technical,
8 and perhaps we might have a discussion on this. You
9 are speaking of gyro-stabilization of radar.

10 A. Yes.

11 Q. Could you explain to me what that means?

12 A. Well, this just means that the
13 information -- the bearing information -- heading
14 information -- from the gyro compass is coupled to the
15 radar.

16 In an ordinary, non-stabilized display you
17 may have a target which, shall we say, is bearing 45
18 degrees and if your ship changes heading this target
19 bearing will also change by the amount.

20 In the stabilized display the bearing of the
21 target remains fixed but your ship's heading is
22 indicated by the heading line. It moves to the true
23 gyro bearing of the heading of the ship.

24 There is one way of using it -- and whether it
25 is better than an unstablized set I am not qualified
26 to say, because this is a navigating officer's area --
27 but it is used to locate the waterway on the display
28 so that instead of changing the head of the display
29 the bearing of the ship is indicated by the heading
30 marker. In an unstabilized display the heading marker



1 English
2 is always head up. In a stabilized display the heading
3 marker moves to the true gyro headings of the vessel
4 as it turns.

5 MR. JACQUES: And the top of the PPI is north?

6 THE WITNESS: Yes, always north.

7 MR. JACQUES: And the bearings as laid off
8 this procedure are true bearings?

9 THE WITNESS: Yes.

10 MR. JACQUES: Whilst with the head-up marker
11 they are relative bearings?

12 THE WITNESS: Yes.

13 MR. JACQUES: Relative to the ship's head?

14 THE WITNESS: Yes.

15 MR. BRISSET: Q. Is the gyro-stabilization
16 system an expensive one compared to the other?

17 A. No; it adds a little bit. Very small
18 ships are usually not capable of being gyro-stabilized,
19 but if they are equipped with a set that is capable
20 it usually is a thousand or two thousand dollars, perhaps
21 not as much; it varies from manufacturer to manufacturer,
22 depending on the design.

23 Q. Mr. Bentley, one more topic I would
24 like to review with you is the question of maintenance
25 of the radar equipment on board a ship by the crew. In
26 your opinion how far can the maintenance be properly
27 made by the crew? I am thinking now not of experts
28 but of an ordinary crew where, say, you have a radio-
29 telephone operator on board, or a radio operator who
30 has some knowledge of electronics.



1 English

2 A. The radio operator can be trained very
3 definitely to do practically all the maintenance
4 provided he is equipped with the necessary spare parts
5 and the necessary test equipment.

6 This probably adds to the cost of the radar --
7 to carry the necessary spare parts plus the necessary
8 test equipment. It therefore boils down that in the
9 usual case he can do what you might call running
10 maintenance of a routine nature. If the magnetron
11 fails he can replace it; if the mixer crystal burns out
12 he can replace it; if the PPI fails he can replace it;
13 but if it comes to a major or obscure failure that he
14 has no knowledge of, or that he may know about but hasn't
15 got the necessary test equipment, he is lost; anybody
16 would be lost.

17 Q. Now, if you have no radio operator on
18 board and the master and officers are not technicians
19 how far can they go in maintaining equipment on board?

20 A. This, I think, is a matter of how far
21 they can be trained in this particular set. It is not
22 difficult to train a man to routine tube changes and
23 things of that nature, but he must be familiar with the
24 set and he must have the parts.

25 Q. He must have, in other words, some
26 training in the sense that previously he should have
27 been at a marine school where at least they teach the
28 rudiments of radar maintenance?

29 A. Yes; he should also be familiar with his
30 own set. This, I think, is most important.



1 English

2 COMMISSIONER RENWICK: If I could interrupt
3 at this point, I am wondering, Mr. Bentley, if there
4 would be virtue -- I know that there would be virtue --
5 but would it be possible to instal a mandatory system
6 of inspection? I am thinking in terms of cities where
7 they have mandatory automobile inspection which is
8 required if you are going to drive on the city streets.
9 In Vancouver, for example, my car must be inspected
10 independently twice a year. I like it; but I can
11 understand that there would be international difficulties
12 in making mandatory radar inspection. Has this ever
13 been looked into?

14 THE WITNESS: Perhaps you might ask Captain
15 Morrison. This is outside of what I get involved in.

16 COMMISSIONER RENWICK: Thank you.

17 MR. BRISSET: Thank you, Mr. Bentley.

18 CROSS-EXAMINATION BY MR. LANGLOIS:

19 Q. Mr. Bentley, keeping in mind your
20 statement to the effect that you had never been called
21 upon to navigate a ship by radar, I have a few
22 questions to ask of you. If you can't answer any of
23 the questions then you can refer it to Captain Morrison.

24 Is it not a fact that radar will not give you
25 any differences between a smooth, open-water surface
26 and a smooth surface of solid ice?

27 A. You would have a hard time distinguishing
28 them, yes.

29 Q. Now, you spoke in answer to questions
30 by Mr. Brisset of the installation of radar equipment



1 English

2 in the harbour of Montreal. Were you talking of this
3 equipment as an anti-collision device or merely as a
4 navigation device -- as an aid to navigation?

5 A. I was talking of what use one might put
6 it to. If you want to see how a ship is moving, and
7 the course that it is on, this is useful for anti-
8 collision, yes.

9 Q. Do you think it would still be good as
10 an anti-collision device in restricted waters where you
11 have water courses quite frequently, such as in the
12 harbour of Montreal?

13 A. I really don't know, sir.

14 Q. When you answered Mr. Brisset's question
15 as to the use of true motion radar I was given the
16 impression by your answers that true motion radar would
17 be reliable in waters only provided you can see the
18 shore line?

19 A. This makes it more reliable; but I have
20 recommended -- and this is opinion, of course -- that
21 it is equally reliable ---

22 Q. If you can see the shore line you won't
23 need radar?

24 A. Well, I mean "see" by radar, not by
25 visual means.

26 Q. Now, on ships with everything halved,
27 where we have the heading with a radar camera, would
28 it be possible to pick up small objects at close range
29 on the surface of the water, such as a buoy, or a small
30 craft?



1 English

2 A. Yes, it would be possible. At what
3 minimum range you could pick them up would depend on
4 the radar set.

5 Q. With a scanner and, for example, an
6 average ship of the length of 700 feet, and you have a
7 radar scanner, and your ship is riding high in the water,
8 could you pick up a buoy or a small craft at a range of
9 a quarter of a mile?

10 A. If the antenna was up high enough, yes.

11 Q. It would have to be quite high?

12 A. I haven't worked it out. It would depend
13 on the geometry of the ship -- if the line of sight from
14 the radar antenna to the buoy was unobstructed by the
15 bow or some other obstacle.

16 Q. But the fo'c'sle head, or the derricks,
17 or the sampson poles could create a blank ---

18 A. They certainly can.

19

20 --

21

22

--

23

24

25

26

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27

28

29

30



1 English

2 Q. In swift running waters, tidal waters
3 where you have tidal rips, could these conditions prevent
4 you from picking up a small object such as a buoy or
5 a small craft in the water?

6 A. Yes, I think it could. It is a matter of
7 relativity here. If the wave motion is extensive and
8 the object is small it would be difficult, but it is
9 purely a matter of relativity. It is hard to make a
10 generalized statement.

11 Q. But there is a possibility?

12 A. There is a possibility, yes.

13 Q. Would not also ice between your ship and,
14 for example, buoys in the winter prevent you from
15 picking up the buoy?

16 A. No, I should not think so if the buoy
17 was sticking up above the ice.

18 Q. Sticking up above the ice between you
19 and the buoy?

20 A. Oh, I see what you mean -- the ice that
21 was obstructing the direct line of sight, yes, you
22 would have trouble.

23 MR. LANGLOIS: Thank you.

24 CROSS-EXAMINATION BY MR. MASON:

25 Q. I am talking about transponder beacons.
26 In their report you mention that an installation of
27 this type costs about \$20,000.00 and requires frequent
28 maintenance. This figure of \$20,000.00, does that
29 include the complete cost of the installation -- towers
30 and ---



English

1 A. Approximately.

2 Q. What type of maintenance would it actually
3 require? It is not in the nature of a watched aid, I
4 gather?

5 A. No. You will probably have to look at
6 it, shall we say, (experience would tell) about once a
7 week.

8 Q. A number of beacons could be practically
9 looked after by an individual making a routine circuit
10 and checking?

11 A. Likely. You will have perhaps -- you
12 always could have unscheduled failures, but good routine
13 maintenance and duplicate installations with automatic
14 change-over once a week would probably be enough.

15 But this would be a matter where experience
16 would tell -- if you had obtained some experience in
17 operating it.

18 Q. This figure again of \$20,000.00 would
19 only cover one installation, not a duplicate installation?

20 A. No, just the one.

21 CROSS-EXAMINATION BY MR. LALONDE:

22 Q. About transponder beacons, have you been
23 made aware of several requests by Quebec pilots to
24 have such an installation aboard the light ship at
25 Prince Shoal?

26 A. No, sir, that does not come within our
27 knowledge.

28 Q. About the installation in Halifax, the
29 information which is provided to the ships coming in,
30 is it of a purely informative nature or a directive



1 English

2 nature? I am interested here in the liability of the
3 Department.

4 A. Purely informative. It is given by radio
5 operators not by navigators in any way. It is just
6 purely informative.

7 Q. You have never had problems about wrong
8 information being given to a ship coming in or anything
9 of this sort?

10 A. Not to my knowledge.

11 Q. I am also interested in what you said
12 about Liverpool and Southampton. There again to your
13 knowledge is it a fact that the information which is
14 provided or even given to the ships is purely of an
15 informative nature in the sense that there is no control
16 of navigation as such by these, through these radar
17 installations?

18 A. This is outside of my knowledge.

19 Q. You do not know. I am informed by
20 pilots that it happens that masters of ships will refuse
21 sometimes to get the radar sets working in clear weather,
22 and the reason which is given in such instances is that
23 this would tend to deteriorate the sets or make them
24 work uselessly and therefore damage the set somehow.
25 Is there any particular effect of opening and closing
26 a radar, let us say, or is it ---

27 A. Very unlikely. There is no reason why
28 they should not turn them on and run them. It will
29 cost money, a bit of money, and they only have a thousand
30 dollars life maximum, shall we say, so I can see where



1 English

2 running them in clear weather you might say you are
3 running up costs; but that is wrong.

4 Q. How much is the object you mention
5 costing?

6 A. It depends on the set. Some of them I
7 have go up around two or three hundred dollars.

8 CROSS-EXAMINATION BY MR. LANGLOIS:

9 Q. Merely for the purpose of clarifying the
10 answer that you gave previously as to the use of the
11 radar to detect solid ice, from the answer that you gave
12 me am I to understand that you will have or you could
13 have for example a vessel going through an ice field
14 and the master would see on his radar screen what he
15 thinks is open water and he could find himself running
16 into solid ice instead?

17 A. No, I rather think not. The results that
18 were obtained, I believe, in our vessel to Labrador; I
19 can only quote what the captain has said. He was able
20 to navigate up in the Arctic through the lanes at night
21 with this radar where he had never been able to do so
22 before.

23 Q. But have you asked him the specific
24 question?

25 A. Yes, and he said he had no trouble
26 detecting the open lanes from ice.

27 Q. What type of radar are they using?

28 A. They are using a very good one.

29 Q. Decca or ---

30 A. No, it is not a Decca. It is a Sperry



1 English

2 Mark 3. They manufacture a set of equivalent quality
3 and if every manufacturer made that quality it would be
4 very good. But it is not a cheap radar, that one.

5 Q. Would you call Kelvin-Hughes a good radar?

6 A. Every manufacturer makes a line of small
7 sets right through big sets. They are mostly equivalent.

8 Q. I can tell you this because from my
9 opinion and experience the Kelvin-Hughes and the Decca
10 will not pick up the open ice as compared to open water.
11 I want to find out; I am very much interested myself
12 in ice navigation and winter navigation. I would like
13 to find that out for my own information. The pilots
14 would be interested too.

15 A. Well, it depends on the type of set you
16 use. By that I do not mean the manufacturer, but there
17 are good quality sets. The more expensive ones now
18 we use on that particular vessel with a 12 foot antenna
19 and 16 inch display, and this shows up all lanes in the
20 ice where you would not likely see them on the, say,
21 four foot antenna and the 12 inch display.

22 Q. Would that be a set costing about
23 \$9,000.00 -- nine or ten thousand dollars?

24 A. Fifteen, sixteen.

25 MR. LANGLOIS: Thank you.

26 RE-EXAMINATION BY MR. JACQUES:

27 Q. For the purpose of the record, Mr.
28 Bentley, Camperdown overlooks the entrance of the
29 harbour seaward?

30 A. That is correct.



1 English

2 Q. It does not provide any coverage into
3 the harbour?

4 A. Not into the harbour proper.

5 CROSS-EXAMINATION BY MR. MASON:

6 Q. Mr. Bentley, can the transponder beacons
7 be adapted for use as a directional aid, i.e., if in
8 approaching the beacon on a certain heading I get one
9 signal and if I go to the right of that heading I get
10 a different signal, or if I go to the left of that
11 heading I get a different signal?

12 A. An ordinary transponder beacon, no, but
13 one could envisage the development of such a system.
14 It would not be exactly a radar transponder beacon in
15 the sense that we are talking about them now, but it
16 would not be impossible just offhand to say that this
17 could be done; but it requires development.

18 THE CHAIRMAN: Coming back to the Camperdown
19 installation, you told us it was giving the line of
20 entry to the harbour?

21 THE WITNESS: Yes.

22 THE CHAIRMAN: With the radio beacon will it
23 have the same purpose?

24 THE WITNESS: The radio beacon, the low
25 frequency beacon on the light ship or nearby then relies
26 upon the ship, the captain, to make his decision and he
27 can, I presume, make a mistake. He could go perhaps
28 to the left or to the right of it. On this apparatus
29 what actually did happen was that it is a matter of
30 perhaps a second check on human errors.



1 English

2 THE CHAIRMAN: We have seen not the installation
3 but the place where it is installed in Vancouver harbour
4 and there are a lot of narrows.

5 THE WITNESS: Yes.

6 THE CHAIRMAN: I presume that it is more than
7 an aid almost for traffic control entering the harbour
8 in Vancouver?

9 THE WITNESS: Well, the operator on the bridge
10 places the vessels that are approaching the bridge
11 either one side or the other -- what traffic they have.
12 It does not tell them, I do not think, what to do. It
13 advises them definitely what traffic they have.

14 CROSS-EXAMINATION BY MR. LANGLOIS:

15 Q. I am sorry to have to come back to the
16 same question, but I have some doubt as to whether you
17 understood my question correctly. I was referring to
18 smooth surface ice and to calm water. Would radar
19 give you a different picture between the two?

20 A. Well, if you could see an edge between
21 the two, yes, with a good set you will see it. If you
22 are just looking at smooth ice with no water in the
23 area and you did not know whether it was ice or water,
24 I do not think you could tell; but if you could see an
25 edge between open water and ice, then you will see it.

26 MR. LANGLOIS: That is exactly what I had in
27 mind.

28 THE CHAIRMAN: Are there any further questions
29 of Mr. Bentley?

30 Well, thank you very much, Mr. Bentley. We



1 English

2 will now take a little recess.

3 --A short recess.

4

5 CAPTAIN W.S.G. MORRISON, sworn

6 DIRECT-EXAMINATION BY MR. JACQUES:

7 Q. Would you state your full name and age,
8 please?

9 A. My name is W.S.G. Morrison. I am
10 superintendent of Nautical Examinations of the Marine
11 Regulations Branch of the Department of Transport, Ottawa.

12 Q. I believe that you have a Master of
13 Mariners certificate?

14 A. I have an extra Master's certificate
15 issued in 1955, sir.

16 Q. Where?

17 A. It was issued in Southampton, England.

18 Q. In 1955. How many years' experience have
19 you had a sea?

20 A. A little over ten years' experience at
21 sea before coming ashore.

22 Q. Before coming ashore did you serve as
23 master on board a vessel?

24 A. No.

25 Q. On what waters did you trade when you went
26 to sea?

27 A. Principally on the round-the-world service,
28 Far East to U.S.A. ports; also through Australia, the
29 Mediterranean, British waters and West Africa.

30 Q. Did you ever have occasion to trade up



1 English

2 and down the St. Lawrence?

3 A. No. The closest I came to that, sir, was
4 Halifax.

5 Q. I see. Now, sir, you have prepared for
6 the Commission a report on the use of radar in piloted
7 waters. Would you tell the Commission where you gathered
8 the information contained in that report?

9 A. The information is based partially on
10 personal experience and principally on general reading
11 of such texts as "The Use of Radar at Sea" published
12 by the Institute of Navigation. I have also attended
13 a number of radar courses.

14 MR. JACQUES: Now, My Lord, I should like to
15 attach to Exhibit 916 a radar plotting sheet which has
16 been distributed to everyone.

17
18 (Radar plotting sheet
19 attached to Exhibit
20 No. 916))

21 Q. Without going through the details of
22 your report, since it has been distributed beforehand
23 to all the parties, would you turn to page 5 paragraph
24 3.2 -- "formal training"? The last sentence reads
25 as follows:

26 "This is the case in Canada
27 where people have never had the
28 benefit of formal training in the
29 use of radar"

30 Would you explain what has been done, if
anything, in Canada for training navigators and



1 English

2 particularly pilots in the use of radar?

3 A. In so far as navigators generally are
4 concerned, the masters and mates examination questions
5 on radar were introduced first back in about 1951, 1952.
6 The standard of question first introduced was quite
7 low and over the years it has been built up to the
8 present day when we are at the stage of considering
9 breaking off the radar questions from the present
10 arrangements of including the questions on radar in the
11 chart work paper. We are now considering having a
12 separate paper purely on radar.

13 About 1957, just after the Andrea Doria
14 collision, a number of maritime countries made radar
15 observer training compulsory. We followed suit only in
16 so far as foreign-going certificates are concerned. The
17 status in so far as home trade and inland water
18 certificates were concerned remained as it had been
19 before. That is to say, the radar questions were
20 included as part of the paper on chart work and radar
21 combined.

22 Q. What is the extent of the questions on
23 radar?

24 A. The questions generally include a question
25 on radar plotting, plus questions on the limitations of
26 radar and the use of radar purely from an operator's
27 point of view. Nothing of a technical nature is
28 included, although the person being examined is expected
29 to have a general knowledge of the basic principles of
30 radar so that he can make intelligent use of it.



1 English

2 Q. Does this apply to minor waters certificates
3 also? You mentioned home trade and inland but you have
4 not mentioned minor waters.

5 A. In so far as minor waters certificates
6 are concerned, this is quite a restricted certificate
7 and because of the fact that it is much used by
8 companies operating very small vessels which are not
9 fitted with radar the only questions on radar that are
10 included in that examination are oral questions, which
11 facet is left entirely to the local examiner to include
12 as much as he sees fit.

13 Q. Have you ever had any request from pilots
14 to set up a course in radar for them particularly?

15 A. No, I have had no such request, sir.

16 Q. Has your Department ever given any
17 thought to setting up such a course?

18 A. Some thought has been given to it, sir.
19 I have been asked to submit a memorandum on radar
20 training quite recently and I did so. I made mention
21 of training of pilots and training of masters and mates.

22 Q. You mentioned a change, an administrative
23 change, let us say. The questions on radar were
24 included in chart work and now the plans are to make it
25 a separate paper?

26 A. That is correct.

27 Q. Why this change?

28 A. It is felt that radar is an important
29 subject and also, of course, chart work is a very
30 important subject. We do not feel that we can deal



English

1 adequately with both subjects in the one paper without
2 making the paper over long. Another consideration is
3 that a person may obtain full marks, say, on chart work
4 problems, but when it comes to radar he is deficient
5 and therefore he fails the entire paper. So it is
6 from the point of view of dealing more adequately
7 with the subject and making it a little easier for the
8 applicants to pass the examination without lowering the
9 standards that this is being thought of at the moment.

10 Q. Are you at the same time increasing the
11 extent of the course on radar?

12 A. The number of questions being asked on
13 radar would be increased, of course, but the extent of
14 the syllabus would not be increased.

15 Q. Do you have the syllabus with you here?

16 A. I do have a copy of the present syllabus
17 which is given in fair detail for the radar observer
18 endorsement and for the second mate foreign-going
19 examinations. I do not have a detailed syllabus at
20 the moment for home trade.

21 Q. The witness is referring to an order-in-
22 council P.C. 1958-1508 respecting foreign-going masters
23 and mates examinations regulations.

24 Would you supply the Commission with a
25 complete set of all the syllabi of radar courses, which
26 will be filed as Exhibit 918.

27 A. Yes.

28 ---EXHIBIT NO. 918; (To be produced).
29 Set of syllabi of
30 radar courses.



1 English

2 Q. Would you briefly summarize what is
3 required for a masters foreign-going?

4 A. The second mate foreign-going is the first
5 stage of the training. This is, shall we say, the
6 heaviest stage of the training.

7 First of all the course starts out with a
8 summary of the basic principles involved and then moves
9 on to interpretation of the display, the effects of
10 whether on radar performance, its use as a position-
11 fixing device, its use as a marine warning device, the
12 purpose and contents of the radar log, the periodic
13 checks which should be carried out on board ship, the
14 correct procedures for switching on and off and
15 adjusting the display, the use of auxiliary circuits,
16 and finally the true motion type of display.

17 Q. Is this course directed to a broad type
18 of radar or would it be applicable to all equipment
19 which a seaman might come across?

20 A. It is a general course. There might in
21 various schools be somewhat of a bias towards one type
22 of equipment because the school has to be fitted with
23 a radar equipment and there might be some bias there.
24 But it is intended to be a general course.

25 Q. Would requirements for master foreign-going
26 exceed those of second mate foreign-going?

27 A. They do exceed the requirements very
28 slightly. For example the radar plotting questions are
29 a little more intricate. A little more is required to
30 be known about the principles of tube operation and the



1 English

2 way in which a PPI tube works.

3 Q. What about the inland certificate and the
4 home trade certificate; would the requirements be the
5 same as for foreign-going certificates?

6 A. Generally speaking the questions are
7 based on the same syllabus as for second mate foreign-
8 going, but the difficulty is, shall we say, watered down
9 to make it a little easier for the applicants for home
10 trade certificates and inland water certificates to
11 provide a suitable answer.

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1 (English)

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3 Q. Why was it thought advisable to make it
4 easier for these certificates?

5 A. The foreign-going certificate does
6 demand a fairly high degree of education, especially in
7 mathematics and physics. The home trade and inland waters
8 certificates are certificates which are of more practical
9 content insofar as the examination is concerned. The
10 foreign-going certificates go much more deeply into the
11 theory lying behind the practices in navigation.

12 Q. In your brief you refer to a discussion
13 of the amendments of the International Rules and
14 Regulations for Preventing Collisions at Sea with respect
15 to radar.

16 A. Yes.

17 Q. Will you elaborate. Will you tell the
18 Commission how the subject first came up and how far the
19 subject has advanced so far?

20 A. In the 1948 Safety of Life at Sea
21 Convention some recommendations of very limited scope
22 were made respecting the use of radar. You have to bear
23 in mind that at that time not too many ships were fitted
24 with radar and not too much experience had been gained in
25 its use. In the last Safety of Life at Sea Convention
26 in 1960 considerable concern was expressed by the various
27 delegations. There were two definite points of view.
28 There were those who wished to make no change in the
29 regulations and simply wished to add what they called the
30 radar annex or a code of good radar conduct to the



1 (English)

2 regulations, and there were other nations which wished to
3 make extensive changes in the regulations themselves.

4 The result which is printed in my report shows that they
5 met pretty well about halfway and some changes were made
6 in the regulations whilst the annex was added as a general
7 guide for masters at sea.

8 Q. You also mention the use of radio
9 telephone in your memo in conjunction with radar. Has
10 any study ever been made on that subject apart from your
11 paper?

12 A. I believe that one or two studies have
13 been carried out. I do not know that any extensive
14 study has been made as yet. Some use is being made of
15 radio telephone in conjunction with radar in, shall we
16 say, restricted waters; but one of the principal
17 difficulties from an international point of view is the
18 language difficulty. Another, shall we say, technical
19 difficulty is the problem of recognizing which ship one
20 is talking to. Some work has been done, I understand,
21 from a point of view of solving this technical difficulty
22 but so far as I can see it is quite a problem and it will
23 be some time before it is solved.

24 Q. Do you think the present rules of the
25 road and use relating to radio telephone are adequate in
26 pilotage waters, let us say between Les Escoumains and
27 Montreal?

28 A. Relating to use of radio telephone, sir?

29 Q. And Radar.

30 A. The present rules of the road do not



1 give any actual guidance to a radar-equipped ship. At
2 the present time the guidance or the annex to the rules
3 which will come into force at a later date has been
4 circulated by notice to mariners. This information is
5 available to mariners. There are certainly improvements
6 which could be made in the rules and which will be made
7 in the rules once the revised regulations are adopted.

8 Q. By "revised regulations" do you mean the
9 regulations for preventing collision at sea?

10 A. Yes, I am referring to the regulations
11 for preventing collision at sea.

12 Q. Will you explain to the Commission the
13 examples which you give in the appendix to your paper
14 using the radar plotting sheet which you have prepared?

15 A. The radar plotting sheet which has just
16 been distributed is an illustration of the two examples,
17 the first example being given on page 12 and the second
18 example being given on page 13. Actually it is the same
19 example. First of all, looking from Ship T and secondly
20 looking from Ship O. The solid lines on the radar plot
21 indicate the actual tracks followed by the ships and the
22 dotted lines indicate the estimated track as it would be
23 seen from the plot made from information obtained from the
24 radar on board the other vessel.

25 Q. This is a theoretical plot?

26 A. This is quite a theoretical plot.

27 Q. A plot which you have prepared?

28 A. Yes.

29 Q. Will you now turn to page 18 and to page
30 19 of your paper and explain the table which you have



1 (English)

2 prepared, particularly under the heading "Time Elapsing
3 between Observations". We see mentioned two minutes,
4 four minutes, six and twelve minutes, which are periods
5 of time which have elapsed between two successive
6 observations. Beneath that we see degrees. What would
7 the degrees mean?

8 A. The degrees listed under the various
9 time intervals indicate the amount of error which can be
10 expected or which is possible in the plotted results.
11 In other words, if you take the first group on page 18,
12 if the target vessel - that is the vessel being observed
13 by radar - is at ten miles range and while the vessels
14 are maintaining a speed of twelve knots, and if you have
15 a plotting interval of twelve minutes - that is to say
16 the interval elapsing between the first range and bearing
17 you plot and the second range and bearing you plot is
18 twelve minutes - then you have a possible error in the
19 possible course of the other vessel of plus or minus
20 twelve degrees.

21 Q. So these would not be errors in the
22 bearings but errors in the estimated course of the target
23 ship?

24 A. Yes.

25 Q. And the same would apply on page 19?

26 A. Yes, that is right.

27 Q. You refer on page 14 of your paper in
28 the last paragraph to collisions and you say:

29 "The fact that a significant number of
30 collisions occur in dredged cuts and



1 (English)

2 other well marked narrow channels
3 in clear weather during daylight ..."
4 etc. etc. Have you made any particular survey of the
5 place where collisions have occurred?

6 A. No, I have made no survey or statistical
7 analysis of any sort. Here I am speaking from the point
8 of view of a general impression of what is going on.

9 COMMISSIONER SMITH: My Lord, I would like to
10 ask the witness a few questions.

11 Captain, on page 8 in paragraph 4.2 of your
12 submission I read these startling words:

13 "Radar assisted collisions."

14 Then you go on to give the principal causes such as
15 speed, (a) down to failure to stop engines (g) - which is
16 very clear. Then on page 11 in paragraph 4.2:

17 "If the vessels are to pass very
18 closely radar information alone may
19 not be sufficient to ensure safe
20 passing since the bearing accuracy
21 required clearly lies beyond the
22 capabilities of any marine radar set
23 now in use or likely to be produced
24 in the near future."

25 On page 12 in paragraph 4.12 you say:

26 "'Risk of collision can, when circumstances
27 permit, be ascertained by carefully
28 watching the compass bearing of an
29 approaching vessel. If the bearing
30 does not appreciably change, such risk



1 (English)

2 should be deemed to exist.' From
3 these words mariners are prone to assume
4 that the radar bearing of an approaching
5 vessel can be substituted for the more
6 accurate and stable compass bearing,
7 and further that if the radar bearing
8 does appreciably change, risk of
9 collision does not exist. Nothing could
10 be further from the truth."

11 The question I want to ask you, Captain, is
12 this: do you think there might be some way, some method,
13 either by publicity, by warning or by information on this
14 highly technical question, of bringing more forcefully to
15 the attention of all those engaged in navigation those
16 very dangers which you mention in your submission?
17 Could you suggest anything to help - I do not mean
18 enlighten - to perhaps warn all those who are in the
19 navigation business against these very hazards?

20 THE WITNESS: As a matter of fact, there
21 have been many attempts to bring this forcibly to the
22 attention of masters and officers at sea. I cannot say
23 that it has been too successful. The most recent
24 development is a very much more practical one, I think;
25 that came with the introduction of what are termed radar
26 simulated courses. In these radar simulated courses you
27 have various spots of light which you can move about on
28 the dummy radar tube, as it were, and by moving these
29 so-called targets about you simulate the movement of
30 other vessels. You can also project the outline of a



1 (English)

2 sea coast onto this and you can set up a complete
3 exercise. If the person who is, shall we say, being
4 subjected to this test simply carries on and does nothing
5 about it, then a collision is inevitable. This method of
6 training has the advantage that one can note a mistake
7 being made and later on one can take the person back to
8 this point and say that this is where he made the mistake.
9 One can make them go through the same exercise again and
10 do it properly. This is having a definite effect. The
11 unfortunate thing about it is that it will take a long
12 time before we can reach a stage at which a substantial
13 proportion of masters and senior officers at sea have
14 gone through these courses. You can only make up a
15 course of six at a time, six masters and mates going
16 through the course.

17 Q. Do we have such a simulator in Canada?

18 A. There is a simulator at the Toronto
19 Navigation School. The Vancouver Navigation School has
20 recently fitted a simulator and has just started providing
21 these courses. The Halifax Navigation School is fitted
22 with a simulator. As yet, they have not started the
23 courses at Halifax. I am not certain but I believe one
24 has been fitted in the St. John's, Newfoundland school.
25 I also understand that the school at Rimouski may be
26 fitting a simulator somewhere in the near future.

27 COMMISSIONER SMITH: Captain, I am not
28 suggesting that pilots need this course although I do not
29 think there ever comes a time in the life of any
30 profession when one can get a surplus of knowledge,



1 (English)

2 specially technical knowledge, but what about making
3 available to the pilots this type of instruction or
4 course or whatever you want to call it? Have you any
5 idea of doing this?

6 THE WITNESS: I think it would be a very good
7 form of training and it should be most helpful to them.
8 With this type of simulator for quite a small cost one
9 can provide a series of outlines of any coast whatsoever.
10 One could provide an outline of the St. Lawrence River
11 right the way up to Montreal. I am not too sure in my
12 own mind what the value would be when the ship, shall we
13 say, is operating within a very narrow channel. This
14 would require further investigation, I think, through
15 experimental training with various pilots.

16 I have read recently that a radar simulator
17 installation has been made for training pilots and masters
18 and mates who are operating on the lower Rhine which is
19 quite a restricted waterway and heavily travelled.

20 COMMISSIONER SMITH: Thank you very much,
21 Captain.

22 COMMISSIONER RENWICK: Might I ask how long
23 this course lasts? You say it can accommodate six at a
24 time. What is the duration of the course?

25 THE WITNESS: At the present time the course
26 is being run as a five-day course. The first day is
27 more or less an introduction or a view of various
28 accidents and how they happened and suggestions as to
29 plotting and procedures. The rest of the course consists
30 of exercises starting off with simple open water



1 (English)

2 exercises and building up to exercises in restricted
3 waters with up to five targets moving around.

4 MR. BRISSET: Captain, among your functions
5 at the present time you do, do you not, investigate
6 collisions in our waters, particularly the St. Lawrence
7 River?

8 THE WITNESS: I do upon occasion, sir, but not
9 as a regular feature of my duty. Occasionally if there
10 is a very serious accident and pilotage officers or other
11 officers are extremely busy I may be called upon to
12 assist.

13 MR. BRISSET: And you have done so in the
14 past?

15 THE WITNESS: Yes.

16 MR. BRISSET: For how many years?

17 THE WITNESS: Since about 1956 or 1957; I
18 cannot recall exactly.

19 MR. BRISSET: During the course of your
20 experience in these investigations and keeping in mind
21 that you have told us that you have not served in the
22 St. Lawrence River here, are you in a position to confirm
23 to us that traffic does in fact move in the St. Lawrence
24 in fog - or in spite of fog if I may use this expression?

25 THE WITNESS: Yes, I believe it does most
26 definitely.

27 MR. BRISSET: And you have mentioned in your
28 report that it has come to your knowledge - or you have
29 been told if you do not know of it personally - that quite
30 often when ships are navigating in fog what is simply



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1 (English)

2 done with regard to speed is that the engines are put on
3 standby.

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1 English

2 A. Yes, that is correct.

3 Q. Are you in a position to confirm whether
4 or not, unless the conditions are really very, very
5 bad, this is the practice followed by ships in the St.
6 Lawrence River, particularly from Quebec down, to travel
7 with engines on stand-by in fog?

8 A. I have the impression that this is quite
9 commonly done; but then, of course, I am basing this
10 simply on the investigation that I have carried out, and
11 it is difficult to get an overall estimation from such
12 a, shall we say, spotty survey.

13 Q. Now, captain, would you agree with me that
14 during the past few years particularly there has been
15 a change in the pattern of construction of vessels and
16 that they are generally bigger and speedier than they
17 used to be in past years?

18 A. Yes, this is perfectly true.

19 Q. And that, as a consequence, to some extent,
20 they are not as easily manoeuvrable as the small,
21 ordinary ship was in the old days -- in a narrow channel,
22 I mean?

23 A. The majority of ships are not as
24 manoeuvrable. I think it is only recently that the
25 shipping industry as a whole has started paying much
26 attention to this problem of manoeuvrability.

27 Q. Now, since traffic does move even in fog
28 through the St. Lawrence River channel -- and I would
29 like to restrict myself to this -- would you not
30 agree that the rule to which you refer in your report as



1 English
2 a rule requiring moderate speed in fog is rather
3 difficult to observe strictly especially if you construe
4 "moderate speed" as being a speed at which the vessel
5 could be stopped in the water within half the range of
6 visibility being encountered.

7 A. I don't think that it is difficult to
8 follow it. I recognize that there are pressures -- let
9 us say economic pressures -- brought to bear on the
10 masters, mates and probably on pilots also. There is
11 the maintenance of schedules and so forth; but under
12 certain conditions it may not be possible to move ships
13 at all with safety, and I think that safety has to be
14 considered; and I am not being facetious.

15 Q. Are you aware, in your experience of the
16 St. Lawrence River -- and I think we have this evidence
17 already before the Commission -- that fog is to some
18 extent unpredictable on the river in the sense that you
19 will not know exactly where you will encounter it, and
20 it may develop very quickly? Are you aware of that
21 condition in the river?

22 A. Not from personal experience at all; but
23 I am aware that fog generally can develop quite
24 quickly in various localities.

25 Q. If you have a large ship -- and I would
26 like to restrict my question to the case where a large
27 ship is involved -- would you not agree with me, captain,
28 that the pilot or master of that ship, if he has to
29 travel in this fog, will be faced with somewhat of a
30 dilemma which will be this: If he anchors his vessel in



English

1 a narrow channel he might be in a difficult position,
2 either because the current will swing him around, or, if
3 other ships are moving, he will be in the way, or, if
4 he keeps steerage way, or enough speed to keep steerage
5 way, his speed will be too great to permit of stopping
6 the vessel within half the distance of the visibility;
7 and if he doesn't keep steerage way then, having no
8 control of the ship, anything can happen? Would you not
9 agree that in the waters of the St. Lawrence the pilot,
10 when fog conditions are encountered, is faced with a
11 real amount of difficulty, and it may not be possible
12 for him to comply strictly with the fog rule regarding
13 speed.

14 A. The matter of what is a moderate speed
15 is a vexatious problem to any master or to any pilot.
16 It varies ship to ship; it varies from locality to
17 locality. Another of the considerations is the density
18 of traffic; and another consideration is the power of
19 the vessel in going astern.

20 I understand that Courts -- and I can only
21 refer to Courts for authoratitive discourses on the
22 subject -- Courts have held that the ship must be
23 manoeuvrable, or reasonably manoeuvrable, within the
24 channel before she commits herself to this channel.

25 Q. I realize, of course, captain, the
26 importance of rules in these questions, and my questions
27 were really directed to you as a practical man with a
28 view, if you would agree with me, to illustrating the
29 difficulties with which pilots and masters are faced
30 in this river of ours.



1 English

2 However, I think you have confirmed to us that
3 ships in this river do move in fog, and I assume that
4 the pilots and masters do rely to a great extent on
5 their radar in order to achieve as much safety as they
6 can.

7 A. Yes.

8 Q. That is correct?

9 A. Yes.

10 Q. This being so, and captains and pilots not
11 having to be the holders of foreign-going licenses to
12 qualify to become a pilot, would you not agree that it
13 should be mandatory for prospective pilots to follow
14 courses in radar and become fully familiar with their
15 operation?

16 A. It is my opinion that pilots would benefit
17 greatly from the radar-observer course and from the radar-
18 simulated course. The proper sequence would be to have
19 the radar-observe course first, followed by the radar-
20 simulated course.

21 Q. And would you apply this recommendation
22 not only to what I will call river pilots but also those
23 who are serving in the ports or harbours like the
24 harbour of Montreal and in the Seaway itself?

25 A. I would say that anybody in the marine
26 field, who has to depend upon radar information, or make
27 use of radar information -- that before he can make
28 intelligent use of it he must understand quite a bit
29 about radar in order to appreciate the limitations and
30 varying accuracies which obtain.



1 English

2 Q. So that the usefulness of a radar course
3 applies to anybody who wants to become an efficient
4 pilot?

5 A. Yes, I would say so.

6 Q. Has your Department ever taken steps to
7 issue to pilots documentation on the use and understanding
8 of radar?

9 A. In a compulsory sense?

10 Q. Yes?

11 A. No, not in a compulsory sense, to my
12 knowledge; but I am not fully conversant with all pilots'
13 operations.

14 Q. I see. Are you familiar -- I am sure you
15 are -- with the publication in England, or in the United
16 Kingdom, by the Ministry of Transport, entitled "Shipborne
17 Radar"?

18 A. Yes, I have read it.

19 Q. Would you agree that possibly there would
20 be advantage in the Canadian government -- and I am
21 speaking of the Department of Transport -- issuing a
22 similar publication here to pilots in particular, for
23 their guidance and reference?

24 A. I think that the value of printed matter
25 is very much in doubt these days. I have read various
26 complaints from serving ship's masters and superintendents
27 of large companies to the effect that masters and various
28 marine people are being inundated with too much on the
29 use of radar. They call for something which is very
30 short and to the point.



1 English

2 Unfortunately, the matter is too complex to
3 compress it even into one paragraph.

4 Q. But would not there be an advantage in
5 supplying pilots with a condensed book or text of the
6 nature of this publication I have just referred you to,
7 to which they could easily refer and which would at least
8 give them the elementary knowledge that they should
9 have? Or, if not the publication I have referred to,
10 at least a copy of your report which would very well
11 achieve the same purpose, captain?

12 A. There would be some advantage; but, myself,
13 I think that printed matter is no real substitute for
14 a proper, formal course.

15 MR. LALONDE: I would like to stress to my
16 friend, firstly, that he shouldn't lead himself into
17 believing that pilots have never heard of radar; and,
18 secondly, I would point out that in the ports of Montreal
19 and Quebec they have marine schemes, and that the people
20 who have gone through the marine scheme there have had
21 training in radar. They have at least been through
22 marine schools and have had training in radar.

23 MR. BRISSET: I am very much obliged to my
24 friend for his interruption in which he points out that
25 new apprentices will probably be trained.

26 THE CHAIRMAN: The results should be
27 interesting to other pilots because I know some pilots
28 who have no knowledge of radar.

29 MR. BRISSET: Q. That is what I was driving
30 at, captain. I was not thinking of apprentices, but I



1 English

2 was specifically thinking -- and I hope they will
3 forgive me -- of the old pilots who still look at radar
4 as some kind of monstrous machine which they don't
5 understand. Haven't you come across some pilots who
6 have said that they don't use it -- they don't understand
7 it -- in your experience.

8 A. I have never had such a frank admission.

9 MR. JACQUES: We have even been told it should
10 be thrown overboard.

11 MR. BRISSET: Q. So as a measure to fill a
12 gap until all the new pilots are trained under the
13 apprenticeship system -- for which the pilots take all
14 the credit -- don't you think that the distribution of
15 some literature like this amongst pilots would be of some
16 use?

17 A. I think it might be helpful, yes, provided
18 it is very carefully worded.

19 Q. I would like to go over some remarks
20 contained in your very interesting report, Exhibit 916.
21 First of all, I would like to draw your attention to
22 page 2, paragraph 1, point 4 at the end of that
23 paragraph, in which you spoke of the interpretation of
24 rule 16(b) as it was formerly understood. You said:

25 "In particular, the words

26 'the position of which is not

27 ascertained' were taken by masters,

28 mates and pilots as meaning

29 generally that the vessel concerned

30 was not in sight."



1 English

2 Keeping that in mind, would you agree from a
3 practical point of view that today with the radar that
4 is available to mariners the position of another ship
5 can be accurately determined by an analysis of what the
6 radar PPI shows?

7 A. Not within the meaning of that regulation,
8 sir, because my understanding of that regulation is
9 that the position which is ascertained means more than
10 just the geographical, shall we say, location of the
11 other vessel. It means, well, it includes the course
12 speed and the intentionals of the other vessel, and this
13 cannot be adequately or accurately enough established
14 by radar.

15 Q. Let us go back over this, taking first
16 of all the course. Can you not ascertain by proper
17 observation and plotting, if you have time like at sea
18 -- can you not ascertain the course of another ship by
19 radar?

20 A. You can ascertain its course, yes, but
21 within limits, and even then you do not know at that
22 instance that that vessel has not altered course. It
23 may have altered course one minute before you took your
24 last observation, for example, and nothing would show
25 up on the plot.

26 Q. What about speed? Can you ascertain the
27 speed of an incoming vessel, the target of which you
28 picked up on your radar accurately enough?

29 A. Well, this depends upon the relative
30 position of the vessel -- or at least the relative course



1 English
2 of the other vessel.

3 If the other vessel is coming straight towards
4 you, then your determination of its speed is dependent
5 upon the range discrimination of the radar, which is
6 quite high as compared with the bearing discrimination.
7 But then if the other vessel's course is at right angles
8 to the line of sight, then its speed is dependent upon
9 the bearing accuracy of the radar set.

10 Q. Would it be correct for me, Captain, to
11 say that you should not consider, if you are an officer
12 on the bridge or a pilot on the bridge of a ship, that
13 the position, speed and course of the other ship has not
14 been ascertained, if both ships are in a situation that
15 involves some risk of collision? To illustrate, let
16 us assume that you are on the bridge of your ship. In
17 fog you pick up a target -- and I will give perhaps
18 an extreme example -- two miles on your port beam and
19 that target is drawing astern; would you not agree that
20 the position of that ship has been ascertained and if
21 you hear the fog signal you do not have to stop your
22 engine?

23 A. I must point out that even if you hear
24 a fog signal it would not be from forward of the beam,
25 sir, so you would not be called upon to stop your
26 engines in any event.

27 Q. Well, I went too far in my illustration.
28 Let us say she is forward of the beam but coming two
29 miles on your port side down until she is on beam. Even
30 thought you might have heard a fog signal when she was



1 English

2 forward of the beam, would you not agree that her
3 position has been ascertained in that extreme illustration
4 I am giving you?

5 A. No. I do not feel that it relieves me
6 as master or navigator in charge of the vessel of stopping
7 my engine and complying fully with the requirements of
8 16(b).

9 You see, there is risk of collision and you
10 do not know what the other vessel is going to do. He
11 might do something which appears to you to be the proper
12 evasive action, but it might be incorrect. You would
13 never appreciate that violation until it was pretty
14 well too late.

15 Q. I want to pass on, Captain, to page 5 of
16 your report, paragraph 3.4, in which you state: "Of the
17 several factors that have caused a continuous increase
18 in the number of collisions and groundings...".

19 In this regard, and keeping in mind your own
20 experience in the restricted waters of the St. Lawrence
21 or the Gulf, is it correct to state that in fact there
22 are more collisions today in restricted or piloted waters
23 than there are in the open waters?

24 A. My impression is that this has always been
25 a general feature of collisions pre-radar or since radar,
26 sir.

27 Q. And that is so equally in the case of
28 collisions occurring in fog?

29 A. Yes, I would say so.

30 Q. Has it been your experience in the



1 English

2 investigation of collisions that have occurred in fog
3 that one of the frequent causes is that the operators
4 on watch on the radar have improperly interpreted what
5 they were seeing on the screen when two ships were on
6 converging or crossing courses at a very fine angle?

7 A. Generally it is the human factor in it,
8 the mis-interpretation of the information on the screen.

9 Q. In other words in the illustration I was
10 just giving you you will have this situation.. To refer
11 for instance to your plotting chart, you will have
12 vessel T sighting a target fine on the port bow and
13 you will have vessel O sighting vessel T as a target
14 fine on the starboard bow?

15 A. Yes.

16 Q. With the result that both sometimes at
17 the same time will take avoiding action, vessel T going
18 to starboard and vessel O going to port until they get
19 together?

20 A. This is quite a common feature of many
21 of the so-called radar assisted collisions.

22 Q. What is the fault committed by the radar
23 observer in this case? What has he failed to appreciate?
24 Why is this happening? Is this because of lack of
25 experience or because the equipment in these fine
26 situations is not good enough -- or what?

27 A. Well, as is illustrated, or as I tried to
28 illustrate by the two tables I attached, you cannot
29 determine the course of another vessel approaching end
30 on or nearly end on accurately enough to determine which



1 English

2 side the vessel will pass if the passing is going to be
3 fairly close.

4 In most cases the radar observer has failed
5 to plot in any event. Probably in most cases they have
6 been using the ship's head-up type of display with all
7 its disadvantages, and probably each observer has
8 presumed that this other vessel is actually on a
9 reciprocal course.

10 Q. Instead of a crossing course?

11 A. Instead of a slightly crossing course.

12 Q. In other words these collisions are due
13 mainly to human failure and not failure of the equipment?

14 A. Generally it is human failure. As a
15 matter of fact I do not know of any proven instance
16 where it was failure of the equipment. There may
17 possibly have been some.

18 Q. So I assume that when lectures are given
19 to candidates or a certificate as radar observer, these
20 particular difficulties and the pitfalls to avoid are
21 pointed out to them?

22 A. This is the intention of the course.

23 Q. In your experience when you have
24 investigated collisions in this river have you made it a
25 point whenever collisions have occurred in fog and there
26 was radar equipment on the vessels concerned; have you
27 made it a point to investigate the condition of the
28 radar on board the vessels concerned?

29 A. Just recently we have created machinery
30 whereby this can be done. Previous to that I attempted



1 English

2 to establish what working order the radar was in from
3 questioning the ship's officers themselves. This, of
4 course, I have found from experience is not too
5 satisfactory, so we did come to an arrangement whereby
6 we could obtain the assistance of tele-communications
7 experts in checking out the radar equipment on board
8 the vessels involved in the collision.

9 Q. This is of recent origin, this arrangement?

10 A. Quite recent, yes.

11 Q. I assume later than the Tritonica collision?

12 A. Yes.

13 THE CHAIRMAN: I suppose you have quite a few
14 questions to ask?

15 MR. BRISSET: Not very many, but I know you
16 have to go on your visit.

17 THE CHAIRMAN: Mr. Langlois and Mr. Lalonde will
18 have some questions. I think we will have all afternoon
19 taken by our visit, so would you like to come back
20 tomorrow morning?

21 We will adjourn now until tomorrow morning at
22 10:00 o'clock.

23 ---Whereupon the Commission adjourned until 10:00 a.m.
24 Tuesday, February 4th, 1964.

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ROYAL COMMISSION

ON

PILOTAGE

HEARINGS

HELD AT

MONTREAL

VOLUME No.:

100 A

DATE:

FEB. 4, 1964

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ROYAL COMMISSION ON MARINE PILOTAGE

Proceedings of the hearing held
in the Windsor Hotel, Montreal,
Quebec, on Tuesday, the 4th
day of February, 1964.

COMMISSION:

The Honourable Mr. Justice Bernier	-	Chairman
Mr. Robert K. Smith	-	Member
Mr. Harold A. Renwick	-	Member
Mr. Gilbert Nadeau	-	Secretary

COMMISSION COUNSEL:

Mr. Maurice Jacques

PRESENT:

Mr. L. Langlois, Q.C.	for the Canadian Merchant Service Guild
Mr. J. Brisset, Q.C.	for the Shipping Federation of Canada
Mr. Marc Lalonde	for the Federation of St. Lawrence River Pilots; Corporation of the Lower St. Lawrence Pilots; the Corporation of the Montreal Harbour Pilots, the Corporation of the Mid-St. Lawrence Pilots; the Corporation of the St. Lawrence River and Seaway Pilots; the Corporation of the Upper St. Lawrence Pilots.
Mr. Colin Mason	for the Dominion Marine Association.



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English

Montreal, Quebec,
Tuesday,
February 4th, 1964.

---Upon commencing at 10:00 a.m.

CAPTAIN W.S.G. MORRISON, sworn

CROSS-EXAMINATION BY MR. BRISSET, continued.

Q. Captain Morrison, in your paper in paragraph 3.5 you speak of the technical improvements in the form of presentation of radar information. Yesterday you told us about the courses that were given in radar observation.

Are the courses intended to train an observer in the three types of display that are presently in use; that is, the unstabilized display, the stabilized display and the true motion display?

A. That is the intention, sir.

Q. In other words any master or candidate who would have followed these courses will be familiar with the three types of display that he may encounter on board a ship fitted with radar?

A. I would not exactly say "familiar", sir. I would say that he would have received instruction on it. It would depend very much on the school installation as to what type of display they trained him on. If the school is fitted with a radar simulator, as many of them are now, they generally include all three types of display -- just having the one set, of course, but with the three capabilities.

Q. Passing on to paragraph 3.5 subparagraph 4, you speak of a recent improvement in the form of



English

1 display or presentation which is called "double
2 stabilized display", and I would like to make sure that
3 I understand this type of display. Perhaps I should
4 after our visit yesterday at Marconi, but if I may be
5 permitted I would like to tell you my understanding and
6 you will correct me if I have gone wrong.

7 Let us assume that you have this type of radar
8 on the bridge of a ship and the observer looks at the
9 PPI. The ship is steering say, 180.

10 A. Yes.

11 Q. The ship would appear on the display head
12 up just as an unstabilized display; is that correct?

13 A. Yes, that is correct.

14 Q. Now "head up" will also mean that the head
15 of the ship is pointing to the top of the screen, or
16 180 degrees; that is correct?

17 A. Yes, that is correct.

18 Q. If there is a target just on the edge of
19 the screen ten degrees to port the bearing of that
20 target will be 170; is that correct?

21 A. Yes, that is right.

22 Q. And conversely if the target appears ten
23 degrees on the edge of the screen to the right the bearing
24 will be 190?

25 A. That is correct.

26 Q. That is correct. How does this type of
27 display work when you are in a narrow channel? Will the
28 narrow channel be shown on the display in the same
29 direction as the ship's head?

30 A If on looking ahead up the narrow channel



1 English

2 with your eyes you see a certain layout of the land and
3 buoys and so forth on the port and starboard bows, you
4 would see the same layout represented as radar echoes
5 in the ship's head up position.

6 Q. In other words you do not have this
7 confusion that you might have on the other type of display
8 we have spoken of, a ship in a narrow channel heading in
9 a direction on the screen which would be from right to
10 left instead of head up?

11 A. That is correct, yes.

12 Q. That is right. Would you pass on, Captain,
13 to paragraph 4.2 subparagraph (c) in your chapter dealing
14 with the principal causes of collision involving radar,
15 where you state that one of the causes is the incorrect
16 assumption that if the radar bearing of the approaching
17 vessel changes appreciably risk of collision does not
18 exist?

19 A. Yes.

20 Q. And to paragraph 4.12 where you develop
21 this to a certain extent and give us an illustration?

22 A. Yes.

23 Q. Would you be good enough to perhaps
24 simplify this for me, as I frankly cannot see how the two
25 ships that you have used as illustration can come into
26 collision in the situation which you have given.
27 Certainly I must be going off the rails somewhere.

28 A. It is perhaps difficult to visualize. The
29 radar plotting sheet with which you were supplied does
30 illustrate so far as is possible what is happening. In



1 English

2 the example on page 12 the observer is aboard ship T,
3 which is steaming 171 at 10 knots -- and throughout the
4 encounter ship T has maintained her course and speed.

5 Ship O, however, is not actually maintaining her
6 course and speed. For her own reasons ship O is under
7 the impression that an alteration of course to starboard
8 is advisable. She does not make a bold operation; she
9 takes a series of nibbles at course alterations.
10 As she closes with ship T the effect of her closing is
11 to change her bearing from T -- that is, draw her bearing
12 from ahead towards T's beam, as it were. But her
13 alteration of course to starboard automatically brings her
14 onto a new collision course.

15 This can be illustrated to greater advantage
16 and has been illustrated to greater advantage where the
17 two ships are meeting in a more crossing situation and
18 the alterations of course on the part of one vessel are
19 bigger.

20 Have I helped at all, sir?

21 Q. Yes. Ship T in the illustration which
22 you have given us is the ship that is on the course of
23 171?

24 A. On 171, yes.

25 Q. That ship does not alter course at all?

26 A. That is correct

27 Q. All through the period of approach?

28 A. That is correct.

29 Q. But the other one, ship O, does alter
30 course to starboard?



1 English

2 A. He does alter course to starboard by small
3 amounts.

4 Q. Altering course to starboard it would seem
5 to me that a target would close rather than open on the
6 starboard bow of the other vessel?

7 A. Supposing ship O maintained her course
8 and speed.

9 Q. Yes?

10 A. As the two vessels close, so her bearing
11 from ship T will commence slightly to draw aft and then,
12 as she gets closer, the rate of change of bearing will
13 increase. But if ship O is taking independent action
14 and altering course to starboard, the result of this
15 alteration of course to starboard will be to put her on
16 a new collision course, although the bearing is changing
17 ship O each time the bearing changes, as it were, to a
18 certain degree.

19 Q. She puts herself on a new collision course?

20 A. She puts herself on a new collision course.

21 Q. That is the point you wanted to make?

22 A. This is the point I am trying to make,
23 sir.

24 Q. In other words the conclusion that the
25 risk of collision is eliminated because there is a
26 broadening of the bearing of the other ship is only valid
27 if that other ship is not actually changing course?

28 A. Yes; that is one way of putting it.

29 Q. Now, captain, in paragraph 4.15 and 4.3
30 you deal with a particular situation which I would agree



1 English

2 with you is most prevalent in our waters -- the risk of
3 collision of two vessels on reciprocal courses or nearly
4 so.

5 A. Yes.

6 Q. This, of course, is a type of situation
7 that develops in channels like those of the St. Lawrence
8 River?

9 A. Yes.

10 Q. You are aware, captain, that in the charts
11 published by the Hydrographic Department of the River St. Lawrence down to the harbour
12 of Quebec there is a dotted line indicating, or so the
13 caption says, the centre line of the channel?

14 A. Yes there is, as I recall, and I may say
15 it is some time since I looked at those particular
16 charts. As I recall, the various range lights are
17 indicated.

18 Q. And there is also, if I could bring your
19 attention to one particular chart -- the chart of the
20 Harbour of Quebec -- a caption in the middle of that
21 dotted line saying "centre line of channel"?

22 A. Yes.

23 Q. We have heard evidence here before this
24 Commission from one pilot who has been serving in the
25 district of Québec to the effect that he did not agree
26 that what was shown on the chart as the centre line of
27 the channel was in fact always the centre line. I have
28 concluded from this evidence that in certain cases
29 where he did not agree that this was the centre line of
30



1 English

2 the channel he would go over to the other side in
3 negotiating the channel.

4 On that basis and assuming that other
5 navigators do not share this view and they consider that
6 this is really as indicated on the chart the centre line
7 of the channel, would you not agree that this is a
8 dangerous situation, if what is shown on the chart is
9 liable to be interpreted in two different ways?

10 A. Yes, I would agree that that would be a
11 dangerous situation.

12 Q. This being so, Captain, would you not agree
13 that it would be advisable for the authority that does
14 issue regulations governing the St. Lawrence River
15 channel, it should be made mandatory for vessels in
16 compliance with the narrow channel rules to stay on
17 their proper side of that dotted line once it is
18 definitely settled as being the centre line of the
19 navigable channel?

20 A. Well, of course, your words "navigable
21 channel" bring up one of the difficulties in this narrow
22 channel interpretation, as it were, because what is
23 navigable channel to one vessel is not necessarily
24 navigable channel to another vessel.

25 In so far as, shall we say, separation of up-
26 bound and down-bound courses is concerned, some
27 recommendations could possibly be made in this regard
28 and it could quite conceivably contribute to safety.

29 Q. Would you not agree that it would be
30 much safer that what is the middle of the navigable channel



1 English
2 is the middle of the navigable channel for all ships,
3 as otherwise you would have the situation where for one
4 ship the middle would be on one side of the channel and
5 for another ship it would be on the other side? There
6 might be half a mile difference between what is the
7 middle of the channel.

8 A. Yes. Well, to my way of thinking the
9 middle of the channel ought to be looked upon as being
10 the middle of, shall we say, the regular steamship channel.

11 MR. LALONDE: I do not wish to interrupt my
12 friend, but the evidence which was given in Quebec I
13 remember well was to the effect that on certain charts
14 the dotted line which represented the centre of the
15 channel was not in fact the centre of the channel and
16 that ships which were going over that line to negotiate
17 the channel were in fact still in their part of the
18 channel, although they were over that dotted line, because
19 the dotted line was not in fact the centre of the
20 channel.

21 THE CHAIRMAN: Yes, especially at places where
22 they were enlarging, dredging and enlarging, and therefore
23 the centre line is not a centre line any more, but it
24 is still there on account of the range lights that had
25 been moved to the right or left.

26 MR. LALONDE: Yes. There were also instances
27 where I remember well there was no dredging as such. It
28 was just based on the range lights, and the centre line
29 of the channel was not in fact the centre of the channel.

30 THE CHAIRMAN: As far as Quebec harbour is



1 English

2 concerned, I remember well you have an enlarged area
3 on the south side, so therefore that may be one of the
4 reasons why this is more to the north. Also there is
5 the question of the range lights there, so we are
6 cutting the corners.

7 MR. BRISSET: Q. The point I was trying to
8 make, captain, and I think you agree with me, was that
9 perhaps there should be some adjustment to be made in
10 this regard in the drafting of the regulations or
11 issuance of the charts with this dotted line appearing
12 on it so that there would be no possibility of confusion
13 in the minds of navigators and everybody would know,
14 especially the masters of ships coming here from
15 foreign countries -- everybody would know where the
16 centre of the channel is and on what side they must
17 keep going up or down?

18
19 --

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21

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1 English

2 A. I would agree that if this could be
3 established satisfactorily then it would contribute to
4 safety.

5 MR. LANGLOIS: Like Captain Morrison I am all
6 for trying to avoid confusion, but is it not true that
7 we might be running the risk of confusing navigators
8 to a greater extent if we try to make them navigate
9 their ships by regulations exclusively? It is a matter
10 of judgment.

11 THE WITNESS: Personally I would rather see
12 education than regulation.

13 MR. LANGLOIS: That is right; that is what I
14 meant.

15 MR. BRISSET: Q. As we proceed down the river
16 from Quebec we do not have any more this dotted line
17 indicating the centre of the channel, and, as you know,
18 even although the channel in certain places is still
19 considered as a narrow channel it may be a mile or so
20 wide. Now, in these parts of the river would you
21 agree that possibly it would improve safety of navigation
22 if there were indicated recommended tracks for ships
23 using these waters -- that is, one track for the vessel
24 coming up and another track for the vessel coming down,
25 as they do have on the Lakes, for instance?

26 A. That can contribute to safety, yes.

27 Q. Would it not contribute to safety to a
28 great extent, when these channels are navigated in fog,
29 with the use of radar, in which case the up-bound ship
30 would know how much water is hers and the down-bound



1 English

2 ship would know how much water is hers?

3 A. Yes, it can help to clarify the situation.

4 Q. To illustrate what I have been talking

5 about, captain, I would like to refer you to the

6 report of the Commission of Public Inquiry into the

7 disaster of the "Tritonica" and the "Lunerhead", which

8 report has already been filed before the Commission.

9 I would like to draw your attention to the findings of

10 that Commission first of all as to the place of the

11 collision, where the court found that the collision

12 occurred some 1800 feet south of the range lights of

13 Corbeau; and then it said -- and I quote from page

14 18:

15 "The proof shows that the

16 collision occurred south of the

17 line formed by Corbeauc range

18 lights..." --

19 south to the extent of two to three cables, or about

20 1800 feet, if I remember correctly --

21 "...but actually in the middle

22 of the channel".

23 Now, you are aware, aren't you, captain, that

24 ships navigating in that section of the river,

25 particularly down-bound ships -- to use down-bound ships

26 as an illustration --- will be guided by the Corbeau

27 range lights which they will either keep in line if

28 they want to stay in the middle where they consider

29 is the channel, or keep somewhat to the south of? Would

30 you not think, in the light of what I have just stated,



1 English

2 and particularly in the light of this comment in the
3 judgment, that there would be advantage in determining,
4 by either regulations or charts which would indicate
5 this particular feature -- would you not think, I said,
6 that there would be advantage for navigators to know
7 where actually the mid-channel line is, and that they
8 should have tracks on either side of it to which to
9 keep in the case of either up-bound or down-bound?

10 A. I think that on occasions, depending
11 upon the geography of the location, there might be some
12 difficulty arise because range lights and range beacons
13 are occasionally used not to keep the vessel in the
14 middle of the channel, or to indicate the middle of
15 the channel, but to lead a vessel past some outlying and
16 hidden danger.

17 To answer your question a little more directly,
18 I think there can be some advantage in defining what
19 is mid-channel. I do not believe that any regulations
20 should go further than that; because, for example, a
21 vessel might be getting into dire difficulties, and in the
22 so-called agony of a collision the master may think that
23 the best thing to do is to get over on to the track
24 which might be defined as the wrong side of the channel.

25 COMMISSIONER SMITH: I would like to put this
26 question to you, if you can answer it, but it would
27 seem to me that there is no stereo-type formula for
28 navigating. There are charts indicating the depth of
29 water, the middle of the channel and other warnings on
30 charts, but so far as any stereo-type form for actually



1 English

2 navigating a ship, that, I would think, would have to
3 be left to the discretion and judgment of the navigator?

4 THE WITNESS: I think it is advisable to leave
5 as much as possible to the navigator and to see that
6 the navigator is properly trained.

7 MR. LANGLOIS: If I may interject at this point
8 with a remark, apparently my learned friend is trying to
9 get the witness to testify as to what he would consider
10 to be the centre line of the channel in a legal sense.

11 Take, for example, the Corbeau range lights.
12 The dotted line indicates the course which one has to
13 follow to keep within the range lights, but it is not
14 necessarily the centre of the channel. If there is a
15 barge in the river on the south side there would be more
16 sea room to the south than there would be to the north.
17 So unless you have a series of range lights for the
18 navigator -- if you want to move strictly within the
19 centre of the river where you have more water on both
20 sides you will need many more range lights than you have
21 now, and that would lead to confusion; and, as the
22 witness has just said, it is better to leave it to the
23 good judgment and to the local knowledge of the
24 navigator than to try to get at what you might call a
25 general rule and to chalk a kind of white band across
26 the river like we have on highways and say: "You have
27 so many feet of asphalt on your right and so many feet
28 of asphalt on your left side." It would be almost
29 impossible, because that won't take into account curves
30 and barges in the river and the shore lines on both



1 English
2 sides of the river.

3 THE CHAIRMAN: One thing I have found since I
4 have been sitting on this Commission is that a ship is
5 not an automobile and that all kinds of things have to
6 be taken into account when one is navigating a ship;
7 there are the currents, the wind, the speed of the
8 vessel -- all kinds of things that have to be taken
9 account of; and at times for one vessel it might be
10 advisable to take the wrong side of the channel to
11 navigate, and in a case like that there are rules of the
12 road whereby it is for this ship to advise the other
13 ship of the step he is taking. This is one of the
14 impressions I have got. I may be wrong.

15 MR. LANGLOIS: With respect, there is a rule
16 of the road saying that you can depart from the rule of
17 the road when your judgment shows that you should do
18 that.

19 THE CHAIRMAN: But what Mr. Brisset is driving
20 at is that when one is making this manoeuvre -- getting
21 on the other side of the dotted line -- then it is
22 necessary to inform the other ship that you are doing
23 this and it is then up to it to take the necessary
24 precautions.

25 MR. LANGLOIS: It is almost impossible to put
26 it on a chart.

27 MR. BRISSET: Q. Captain, to come back to
28 the Corbeau,, do you not agree with me, contrary to
29 what my learned friend has stated, that the Corbeau,
30 range lights do serve an excellent purpose on this



English

1 particular course and you only need them -- or, you
2 don't need to maintain these range lights to lay your course
3 from Maillard down to the upper end of Coubres Island.

4 A. I think that I must stress here that I
5 feel that this is getting somewhat close to a pilotage
6 problem and I am not really qualified to talk about
7 pilotage problems. But I think that the range lights
8 are used both by up-bound and down-bound vessels.

9 Q. To determine whether they are on a proper
10 course, or a proper reach, to get to their next course?

11 A. Yes.

12 Q. At all events, do you not agree that
13 the recommended tracks that have been in use in the
14 Great Lakes for many years have served a very useful
15 purpose?

16 A. I believe they have.

17 Q. Including navigation in fog?

18 A. Yes; they have served a useful purpose
19 in that respect; but I understand that they are not
20 always adhered to; and I might stress that they are
21 only recommended courses.

22 Q. Yes; there are always, could I say,
23 independent people who won't comply with the rules, if
24 I may use that expression.

25 A. I would like you to understand and here
26 I might point out that I have no experience in the Great
27 Lakes, but I do understand that in the fall of the
28 year, during adverse weather conditions, a large number
29 of vessels have to depart from these courses through
30 weather conditions.



1 English

2 Q. Yes; there are exceptions, undoubtedly,
3 especially when there is ice, when vessels must depart
4 from these conditions and find their way around; but
5 normally, everything being equal, these recommended
6 tracks are generally adhered to?

7 A. They are generally followed.

8 Q. One little point in connection with radar
9 observation: The radar screen, or PPI, is, of course,
10 illuminated. Is there any danger that an observer, say,
11 the pilot on board a ship, looking at this screen for
12 any length of time, may be incompacitated as a lookout
13 if he leaves the screen and tries to look forward to
14 see if there is anything to be seen?

15 A. Certainly looking at the screen by night,
16 a pilot's eyes would take a little time to readjust to
17 darkness after having looked at the screen.

18 Q. Has there been any gadget -- if I may use
19 this expression -- put in use to avoid this situation,
20 or special glasses, for instance?

21 A. All PPI tubes have specially coated,
22 yellow or amber lights, which, from experiment, I
23 understand, was discovered to be the best type of light
24 to use. This is a similar type of light to what you
25 will find fitted in most ship's chart rooms for reading
26 charts.

27 Q. Do you find that this is any problem at
28 all, or at least a serious problem, from a practical
29 point of view?

30 A. From the point of view of keeping a



1 English

2 physical lookout and the radar lookout one person can't
3 do both jobs efficiently. For radar lookout to be
4 efficient it has got to be pretty well continuous; and,
5 of course, for physical lookout to be efficient it has
6 to be continuous.

7 MR. BRISSET: Thank you, captain.

8 THE CHAIRMAN: Just on this question of radar
9 lookout, should this look out be by the pilot, or by
10 somebody on the ship?

11 THE WITNESS: In my opinion the onus is on
12 the ship to provide the efficient radar watch.

13 You can hardly expect a pilot to walk aboard
14 and be familiar with the type of display -- with the
15 individual idiosyncracies-- of a particular radar set.

16 The pilot, at the same time, can effectively
17 help the ship's radar observer by pointing out the
18 various features and ships which may be moving in the
19 channel -- identify the targets, as it were; but I
20 don't believe myself that the pilot should even take
21 a range and bearing; he should ask an officer of the
22 ship to take a range and bearing.

23 THE CHAIRMAN: So they should work together,
24 as it were?

25 THE WITNESS: They should work together.

26 THE CHAIRMAN: The one with his local
27 knowledge of the channel he knows and the other with
28 his local knowledge of his own device -- of his own
29 radar?

30 THE WITNESS: That is my view.



1 English

2 CROSS-EXAMINATION BY MR. LANGLOIS:

3 Q. Captain Morrison, to follow up this
4 question, from your practical experience as an
5 inquiring officer for the Department of Transport
6 in shipping casualties, can you tell us whether or not
7 such cooperation is given to the pilots by the staff
8 aboard ships?

9 A. Not as it could be or should be; a
10 certain amount of cooperation is generally there.

11 Q. Have you read, or have you taken part
12 in the inquiry -- the formal inquiry -- into the
13 grounding of the "John E.F. Misener" at the entrance
14 to the Saguenay River, where, I think it was, the
15 mate who stated that his only job was to "toot" the
16 horn when the pilot was on board?

17 A. Yes.

18 Q. You recall that?

19 A. I have a recollection of that.

20 I must point out that, if I recall rightly,
21 that particular person concerned was very young and held
22 a very junior certificate.

23 Q. Is it not a fact, through your experience
24 in investigating these casualties, that as a general
25 rule when the pilot comes on board he is met by the
26 master first and then is left pretty well to himself?

27
28 --

29 --

30 --



1 (English)

2 MR. BRISSET: Including tooting the horn?

3 MR. LANGLOIS: Tooting the horn on some
4 occasions, yes.

5 THE WITNESS: I feel there is a tendency on
6 the part of many ships' officers particularly - ships'
7 masters are generally more experienced and do not leave
8 the bridge entirely in the hands of the pilot to do as he
9 likes, but ships' officers do seem to tend to regard the
10 pilot's presence as relieving them of much of the
11 responsibility. I think more could be done in the way
12 of educating masters and mates as to the individual
13 responsibilities of pilot and officer of the watch and
14 master. Unfortunately there are some areas where I
15 think even the experts are probably in doubt.

16 Q. Would you mind repeating the last
17 sentence?

18 A. I feel there are some areas of this
19 problem in which even the experts may be in doubt.

20 Q. As in the instance that has been brought
21 to your attention, when the pilot requested the master to
22 come up to the bridge and he refused to do so, or did so
23 hesitatingly?

24 A. I do not recall any master refusing to
25 do so or for that matter even hesitating to do so. I
26 think possibly in one particular case the master was a
27 little tardy about getting up on the bridge.

28 Q. Are you referring to the case where he
29 was told by the pilot and the officer of the watch that
30 it was as thick as mud and then he did not even care to



1 (English)

2 come up?

3 A. Yes, I was thinking of that particular
4 case, sir.

5 Q. You would agree with me that it is
6 pretty thick if it was as thick as mud, eh?

7 A. The evidence indicated that.

8

9 CROSS-EXAMINATION BY MR. LALONDE:

10

11 Q. I notice in your report, Captain
12 Morrison, at page 5 there is a heading "General Causes
13 of Rise in Accident Rate". I have always understood
14 that accident rate meant a percentage of accidents with
15 regard to the total number of ships or cars or whatever
16 it is, the rate is the proportion to the total number.
17 This statement or headline would seem to indicate that
18 there has been a percentage increase in accidents in
19 Canada - or maybe you are speaking generally in terms of
20 all over the world here, I do not know. Is it a fact
21 that you have that increase in accident rate, if I have
22 the proper understanding of what a rate is?

23 A. I stand corrected, sir. The title was
24 perhaps illchosen and more thought should have been given
25 to it. In this particular part I was talking generally
26 from the point of view of world collisions. So far as I
27 know the accident rate, percentagewise has not increased;
28 it may possibly have slightly decreased. Of course, the
29 number of accidents have increased.

30 Q. You were talking here in absolute



1 (English)

2 numbers?

3 A. Yes, I was thinking of numbers.

4 Q. It should read, I suppose, General
5 Causes of the Rise in Number of Accidents - or "in
6 accidents" period?

7 A. That is correct.

8 Q. You also referred in your evidence to
9 the pressures brought upon masters, mates and pilots to
10 keep schedules and all that. Do you ever have any
11 evidence in that respect or are there any facts which
12 support this statement of yours as a factor which con-
13 tributed to forcing the ships to move in weather where
14 they might have a tendency otherwise to anchor?

15 A. Here I was talking in generalities.
16 When I was at sea myself I felt these pressures. The
17 only instance of which I am aware in which the company
18 seemed to support the idea that the schedule should be
19 maintained was in a case which happened in Great Britain,
20 and I just read the court report of that.

21 Q. With regard to the problem of the dotted
22 line indicating the middle of the channel, would you not
23 say that the problem is even more complex in the St.
24 Lawrence River due to the fact that ships are now
25 navigating for such long periods when there is ice in the
26 river? I am not only referring here to strictly winter
27 navigation but to early spring navigation when a large
28 number of ships are present in the river and when ships
29 have to deal with ice and have to do the best they can in
30 the circumstances. This would be an additional factor to



1 (English)

2 take into account?

3 A. Yes, the difficulty of keeping, shall we
4 say, to one's own side of the channel is always a factor.

5 MR. LANGLOIS: With Your Lordship's permission
6 I have some additional questions to put to Captain Morrison.
7 FURTHER CROSS-EXAMINATION BY MR. LANGLOIS:

8 Q. In your experience as investigating
9 officer for the Department of Transport has it been
10 brought to your knowledge what orders the master would
11 give to the officers of the watch when pilots are on
12 board? I am speaking of the night order book?

13 A. I think - and here I am talking in
14 generalities - quite commonly it is left to something
15 such as "Call me if you need me."

16 Q. Pilot's advice? Do you recall that
17 being seen in a night order book - "under pilot's advice"?

18 A. I do not recall at the moment.

19 Q. Has it been brought to your knowledge
20 that such standing orders are common on vessels on the
21 St. Lawrence? I am referring to both deep sea and lake
22 vessels.

23 A. Quite often there are no standing orders
24 as such apart from perhaps loose verbal orders.

25 Q. Have you encountered any examples or
26 instances in which the so-called language barrier has
27 been a factor between the pilot and the crew on board any
28 ships being piloted in the St. Lawrence River?

29 A. I do not recall any, sir, no.

30 Q. Did you have anything to do with the



1 (English)

2 grounding of the "Steven" at the entrance to the Lark
3 Reef?

4 A. Yes, I held the preliminary inquiry
5 there.

6 Q. Do you remember if there was something
7 about the pilots not understanding what the officer of
8 the watch was saying? There were Portugese officers and
9 I think a Norwegian or a Swedish crew.

10 A. Yes, I remember there was quite a mixture
11 of races but I do not recall specifically what you are
12 referring to.

13 Q. Is it not a fact that in some instances
14 on some ships, due to this language barrier, the pilot
15 has to refer to the use of blocks to indicate the course
16 he wants the wheelsman to steer or to the use of chalk
17 and a blackboard in the wheelhouse?

18 A. I believe this has to be done on
19 occasion, yes.

20 Q. Yesterday there was some evidence given
21 as to the use of true motion radar and there was some
22 evidence adduced as to the necessity of making speed
23 adjustments and feeding speed into the machine as the
24 ship proceeds. To your mind, who should be doing this
25 if true motion radar is used? Should it be the pilot
26 or the officer of the watch?

27 A. It should be the officer of the watch
28 to my mind.

29 Q. Is it not a fact that the officer of the
30 watch would have to be quite conversant with the tide and



1 (English)

2 the effect of the stream currents and the tidal currents?

3 A. No, he should obtain what information he
4 can as to the tides to be expected from the pilot, but
5 if one is within sight of fixed objects and one has them
6 on the radar screen, probably the best method of adjusting
7 one's tide settings on the true motion set is to simply
8 select an object which you know is fixed and see that it
9 remains stopped on the screen.

10 Q. Is it not a fact that in the St.
11 Lawrence River between Quebec and Montreal such speed
12 adjustments or feeding into the machine would have to be
13 done quite frequently because the effect of the current
14 is quite varied? It all depends on which course you are
15 steering, whether she has the current on the port or
16 starboard quarter or whether she is going straight with
17 the current. Is it not a fact that that is a very
18 serious problem?

19 A. It would require considerable adjust-
20 ment. I have not experienced the problem myself but I
21 do not think it would be too difficult to keep a certain
22 fixed object stationary on the screen - or relatively
23 stationary, I should say.

24 Q. Is it not a fact, Captain, that in such
25 a case the officer of the watch will be exclusively
26 retained or will have no time to do anything other than
27 feed the information into the true motion radar? The
28 pilot will not be able to depend upon him to do anything
29 else?

30 A. I do not think it would quite turn out



1 (English)

2 like that, sir. That would mean there would be
3 significant changes in periods of less than a minute and
4 whilst it may be quite possible that this can happen in
5 certain localities or at certain stages, I do not think
6 it would keep going at this rate of change, as it were.

7 Q. Will you not be prepared to agree with
8 me that in the stretches of the river where the currents
9 are frequent and varied this will distract the officer of
10 the watch so much from his work as officer of the watch
11 that there would be very little time for him to do his
12 job as officer of the watch?

13 A. If he is acting as radar observer and
14 the ship is using radar information in order to proceed,
15 then he does not have time for any other duties, sir,
16 in my opinion.

17 Q. I am asked by someone else to ask you
18 to repeat your explanation on Racon and Ramark that you
19 mentioned yesterday. Would you care to repeat what you
20 said yesterday in case you were not quite understood.

21 A. I do not recall giving any evidence
22 yesterday on Ramark and Racon. I think it was Mr.
23 Bentley who spoke on this subject.

24 MR. LALONDE: Are you in a position to state
25 in your own words and from your own experience the
26 characteristics of Racon and Ramark?

27 THE WITNESS: Not from experience; I can
28 only give a brief description from what I have read on
29 the two systems.

30 Q Have you read Captain Bentley's report



1 (English)

2 to this Commission?

3 A. Yes, I did read it.

4 Q. I notice he refers to corner reflectors
5 and transponder beacons and their application at the
6 pages 15 and 16. Paragraph 13.2 ends by stating:

7 "The trade name for one such system

8 developed in England is 'Racon Beacon'"

9 Is this what is meant when you are referring to Racon and
10 Ramark?

11 A. There is a difference between Racon and
12 Ramark.

13 Q. Will you please give the explanation of
14 this from what you have read?

15 A. In the Racon beacon the radar pulse from
16 a ship is received in an antenna system, passed down to
17 an amplifier, amplified and then reradiated back to the
18 observing ship. Thus the echo which is received by the
19 ship is much amplified and it is possible apparently to
20 code or introduce a code of either dots or dashes so that
21 the beacon shows a distinctive mark on the screen.

22 I believe one experimental beacon has been
23 fitted. I think the beacon at St. Catherine's on the
24 south end of the Isle of Wight in Great Britain is a
25 Racon beacon but I am not certain of this.

26 In the Ramark system the so-called
27 interrogating pulse triggers off a transmitter which
28 again I think can be coded into a series of dots or
29 dashes, but the Ramark does have a disadvantage as com-
30 pared with the Racon in that the Ramark cannot indicate



1 (English)

2 the range of the beacon whereas the Racon can, although
3 there is a small fixed correction to be applied to the
4 Racon range. This is technical, but I understand that
5 the Racon beacon, if there are more than about twenty-five
6 ships interrogating it, packs up; it cannot take the
7 load.

8 Q. Do you know if there are any Racon
9 beacons in Canada?

10 A. Not to my knowledge.

11 THE SECRETARY: In the United States?

12 THE WITNESS: I have not read of any.
13 While I was in the United States waters I never
14 experienced any.

15 THE SECRETARY: With Your Lordship's
16 permission, in the absence of Commission's counsel
17 I would like to ask the witness two or three questions.
18 DIRECT EXAMINATION BY MR. NADEAU

19 Q. On this particular subject of Ramark
20 and Racon, are these much bigger than the transponder
21 beacons?
22
23
24
25
26
27
28
29
30



English

1 A. I am afraid that it is beyond my
2 knowledge, sir. I do not know the physical size of the
3 installation.

4 Q. May I refer you to your paper on page 5
5 paragraph 3.2, the part in connection with formal
6 training?

7 You indicate in this paragraph that the
8 knowledge or instruction in the use of radar has been
9 introduced into masters and mates examinations in Canada
10 several years ago. Do you know whether the use of
11 this instrument has been introduced into any of the
12 schools in Canada where pilots are given instructions
13 as pilots? I am referring particularly to the marine
14 schools in Rimouski, Quebec.

15 A. The marine school in Rimouski was approved
16 in so far as providing approved radar observer courses
17 back in, I think it was the fall of 1957, together with
18 schools at Halifax, Vancouver, and the then Dominion
19 Marine Association School at Toronto -- but that school,
20 of course, has since closed.

21 Q. Which?

22 A. The Dominion Marine Association School at
23 Toronto.

24 Q. Do you know whether the marine school at/
25 run by the Department of Transport has given instructions
26 in the use of radar?

27 A. They have given instruction in the use of
28 radar, sir, but I do not believe that they have laid
29 on special courses. The radar observer course, as it
30 was envisaged by the Department, would contain a two-week



1 English

2 course in which nothing but, shall we say, the technique
3 of radar observing was instructed. But I think that
4 the training at both the Vancouver schools and Rimouski,
5 all the radar training has been incorporated in with
6 other masters and mates training and special pilots
7 courses.

8 Q. Have there been any attempts made in
9 Canada to introduce the radar courses for pilots?

10 A. Not special radar courses containing
11 nothing else but radar observer instruction, sir. I think
12 -- and here again, of course, Captain Brie of the
13 Rimouski school would be the better person to see about
14 this -- they have simply included the radar observing
15 knowledge into other courses.

16 Q. It is because of the expression, the way
17 the matter is described in your paper that I was
18 wondering whether in fact either training had been
19 given by the Department of Transport or attempts made
20 to introduce radar. You say: "Attempts in various
21 maritime countries to train those who had already reached
22 senior positions within the shipping industry", and
23 you say they have not been very successful and many
24 masters and mates and pilots have never had the benefit
25 of formal training. You conclude by saying: "This is
26 the case in Canada".

27 I was wondering whether this expression or
28 this sentence "This is the case in Canada" referred to
29 attempts made which had not been successful?

30 A. An attempt has been made, yes, in 1957,



1 English

2 if I recall the year correctly. At the time of the
3 approval of these various schools the Department of
4 Transport introduced what it termed a radar observer
5 endorsement so that masters and mates who were already
6 certificated would come in and take these courses and
7 then take the short examination which would follow and
8 be given by the Department of Transport examiner for
9 the purpose of obtaining this radar observer endorsement.
10 But this has been on a voluntary basis and I cannot
11 say it has met with too much success.

12 MR. LALONDE: While we are on the subject,
13 Captain, are you aware that on the St. Lawrence River
14 and the Great Lakes, however, before becoming pilots all
15 the men need to have is either a master's or a mate's
16 certificate, which means that they would have had to
17 get that form of training at least since fourteen years
18 ago? They would have had to pass that examination for
19 masters and mates.

20 THE WITNESS: This is^{is} true, sir, but in so far
21 as home trade and inland water certificates as master
22 and mate are concerned, the standard has never really
23 been stationary. We have gradually increased the
24 knowledge required in so far as the use of radar is
25 concerned over the years.

26 MR. LALONDE: Are you aware that special courses
27 have been given in Rimouski which were attended by a
28 fair number of pilots during certain winters a couple of
29 years ago?

30 THE WITNESS: I am not fully conversant with



1 English

2 the courses. I think the Rimouski school does lay on
3 special courses, though I was under the impression it
4 was for training apprentice pilots principally.

5 MR. LALONDE: I was referring to trained pilots,
6 to active pilots.

7 THE WITNESS: No, sir, I was not aware of this.

8 MR. NADEAU: Q. In your testimony yesterday
9 you said you personally felt pilots ought to be well
10 conversant in the use of marine radar; correct?

11 A. Yes.

12 Q. In your testimony this morning you said
13 that in your view it was not really the responsibility
14 of pilots to keep -- I did not think you said to keep
15 a watch, but to navigate with radar, to take radar?

16 A. No.

17 Q. I am trying to reconcile these two
18 personal views, what you said yesterday with what you
19 said this morning. If you felt yesterday that there was
20 a need -- if not a need, a desirability to have all
21 pilots fully conversant in the use of marine radar, is
22 it because of the difficulties which they have to be
23 confronted with when a foreign ship masters will not
24 take the necessary or give the necessary instructions
25 to deck officers to assist the pilot with radar bearings
26 and the pilot has in fact to take them himself?

27 A. No, it was not with this in mind. While
28 I would like to see or why I think the pilots should
29 be well trained in the use of radar is to allow them to
30 make intelligent use of the information obtained by



1 English

2 radar. For example, if he does not appreciate what the
3 bearing and range discrimination factors are and their
4 effect on radar plotting; for example, if the officer
5 of the watch were to turn around and tell him that this
6 approaching vessel at five miles range was steering
7 at 171, he might think: "Well, he is steering 171",
8 whereas with the training he could say: "Well, he may be
9 steering possibly 10 degrees either side of 171",
10 depending upon the length of time elapsing between the
11 two observations upon which the assumption is based.

12 Q. I see. In other words you are referring
13 to a knowledge that pilots should have in the interpretat-
14 ion of radar bearings rather than in its use?

15 A. The interpretation of the information made
16 available by radar, yes, sir.

17 Q. In this connection I wonder if you would
18 assist the Commission by explaining how a radar plot
19 is taken. You have on your table -- and this was filed
20 as Exhibit 916 -- a radar plotting sheet. Do I take it
21 from this sheet that this particular paper is available
22 on all ships equipped with marine radar for plotting
23 purposes?

24 A. I think there is. Most foreign going
25 ships do carry some means of carrying out a radar plot.
26 There are various different devices on the market in
27 order to assist a person in carrying out the radar plot.
28 At the same time there are probably a number of ships
29 on which you would find no equipment other than the
30 standard navigational equipment, but nevertheless it is



1 English

2 possible to carry out a plot just using a plain piece
3 of paper with parallel rules and a pencil and dividers.

4 Q. I wonder if with the one you have before
5 you you would plot -- or perhaps using this one which
6 is the exhibit -- using the rule and the divider how
7 these plots were made, and I am referring to your paper
8 on page 12 paragraph 4.12 and 4.15 -- right?

9 A. Yes.

10 Q. Could you plot two or three of the range
11 and bearings on the first example of the T ship?

12 A. Yes.

13 Q. Using a red pencil. Let us take the
14 first example on page 12 paragraph 4.12, which shows
15 observer's ship T steaming 171 degrees at 10 knots and
16 observing vessel O approaching. Suppose you mark the
17 first four.

18 A. I must explain that there are various
19 methods of carrying out the radar plot. This type of
20 plot which was entered as an exhibit is called a true
21 plot. It is occasionally referred to as a chart plan
22 plot.

23 In this type of plot the first thing which
24 the radar observer must do is simply select an arbitrary
25 position to start off with own ship. If own ship is
26 steaming on a course of 171, it is advisable for him to
27 place his own ship somewhere at the top of the plotting
28 sheet so that as his own ship progresses down the
29 plotting sheet he does not have to start a new plot
30 again through running short of paper.



1 English

2 Having picked an arbitrary position for own
3 ship at the time of 000 hours, his first step is to lay
4 off the range and bearing of the radar target which he
5 sees. Its range is eight miles and its bearing 178
6 degrees.

7 In order to get eight miles I will have to
8 measure off four miles twice.

9 Q. Which range are you using on the radar
10 set on this particular bearing?

11 A. The radar set itself could be set to
12 any actual range which is of greater extent than the
13 range of the ship being observed. It is always
14 advisable, however, to measure range and bearing,
15 especially bearing, as close to the edge of the radar
16 display as possible in order to minimize the errors..

17 The actual range upon which the radar set
18 would be operating would depend on the make of the set.
19 It might be a 12-mile range or it might be a ten-mile
20 range. But from the radar plotter's point of view
21 the information that he starts off with is the fact that
22 his own ship is steaming on a certain course at a
23 certain speed and this target ship is bearing 178 degrees
24 true at a range of eight miles. Having picked off
25 his point at which he wishes to start with his own
26 ship, he then has to lay off the 178 bearing.

27 I regret the parallel rules are not actually
28 big enough to lay off this first bearing. It is
29 better to have a large sized pair of parallel rules.

30 Q. Let us take the second bearing in that



English

1 case.

2 A. I am afraid it will have to be the third
3 bearing before I can come on to the --- I can lay off
4 the second bearing, yes.

5 The second bearing at 0006 hours is 179 degrees
6 at six miles, so having picked off the 0006 position he
7 has to lay off a bearing of 179 degrees and a range of
8 six miles.

9 Q. Which is shown in red on Exhibit 916 as
10 179 degrees true bearing.

11 A. Having laid off his first range and
12 bearing, his next step whilst he is waiting for the next
13 range and bearing to come along is to decide what time
14 interval he will allow. It is generally convenient to
15 use a six-minute time interval if the range is quite
16 reasonable. This is handy because the amount of
17 progress made by your own ship and the target ship in
18 this interval represents one-tenth of her speed.

19 Since ship T is proceeding at ten knots
20 she will therefore advance one mile in the six-minute
21 interval. Therefore you lay off your course of 171 true
22 the 0006 position. Having marked off your course you
23 can pick off your advance of one mile. This gives you
24 your position at 12 minutes past the hour, provided of
25 course you maintain your course and speed in the
26 interval.

27 At 12 minutes past the hour again you observe
28 that this target is now bearing 180 degrees true at a
29 range of four miles. You therefore lay off 180 true
30 from the 12-minute position with a range of four miles.



1 English

2 Q. These two positions have been observed
3 again by ship "T"?

4 A. Yes.

5 Q. Of the other vessel ship "O"?

6 A. Yes.

7 Q. Now, the second position, could you show
8 the bearing on the map?

9 A. Certainly; the bearing is 180 degrees four
10 miles. By joining these two plotted positions you obtain
11 the course, or the approximate course, and the
12 approximate speed of the approaching vessel. This is
13 her true course and true speed.

14 From the plot it appears that she is steaming
15 003 degrees and her speed is approximately -- just under
16 -- ten knots.

17 This course, of course, might include an
18 error. In actual fact, the ship "O," as we know from
19 previous plotting, was suppose to be steaming 000, so
20 there is a three degree error in this plot.

21 The plotting after that is simply repetition
22 of that procedure. During the time interval between
23 observation you lay off the advance along your own course
24 line, and, in the next instance because of the fact that
25 the other vessel is closing, the plotting interval has
26 been reduced to two minutes; and at fourteen minutes
27 past the hour ship "O" will have advanced a third of a
28 mile along her course line, which is then marked off
29 as the 14-minutes position, and at 14 minutes the
30 observer sees that the target is now bearing 181 degrees



1 English

2 true and 3.4 miles, so he measures off 181 degrees and
3 3.4 miles and he lays this off from the 14-minute
4 position.

5 Q. On the plotting sheet it will be marked
6 as ---?

7 A. It will be marked as 181 degrees at
8 3.4 miles.

9 Q. Now, captain, what kind of display is used
10 for these radar readings? The examples given are in
11 the paragraph headed "plotting using stabilized display"
12 whereas the other one -- the other example given on
13 the same exhibit -- is of vessel "O" observing vessel "T".
14 Is that right?

15 A. That is correct.

16 Q. And is under a different display. On
17 stabilized display are not the readings different?

18 A. They differ in that in the non-stabilized
19 display the bearings laid off by the observer are
20 actual, true bearings. With the other type of display
21 what he lays off is the target ship's bearing -- one
22 degree on the port bow, or two degrees on the starboard
23 bow, as the case may be.

24 Q. The second example would only give a
25 relative bearing?

26 A. Would only give a relative bearing, yes.

27 THE CHAIRMAN: So in this case all the time
28 there is variation of his own course in order to find out
29 the real direction of the other ships?

30 THE WITNESS: Yes; he can plot it as if the



1 English
2 ship were steering along on an actual course, but because
3 of the fact of the so-called yaw -- because of this it
4 is probable that a slightly bigger error will be
5 contained even in the bearing he obtains from the radar
6 set.

7 MR. NADEAU: I have no more questions.

8 THE CHAIRMAN: You have a few questions, Mr.
9 Mason?

10 CROSS-EXAMINATION BY MR. MASON:

11 Q. Captain Morrison, Mr. Langlois referred us
12 to the case of the grounding of the John E.F. Misener,
13 and the lack of cooperation on the part of the crew.
14 Is it not a fact that one of the principal causes of
15 this grounding was the failure on the part of the pilot
16 and the third officer in the matter of interpreting
17 the radar target?

18 A. That is correct.

19 MR. MASON: I have a copy of the formal
20 investigation into the casualty if you wish it to be filed
21 as an exhibit.

22 ---EXHIBIT NO. 919: Copy of report of
23 formal investigation
24 into the grounding
of the John E.F. Misener.

25 MR. MASON: Q. You were telling us yesterday,
26 captain, of the radar observer's course and the radar
27 simulated course established by the Department of
28 Transport. I am wondering whether both of these courses
29 lead to the granting of a radar observer's endorsement?

30 A. They both lead to endorsement. We have



1 English

2 two separate endorsements now. We have, first of all,
3 the radar observer's endorsement which indicates that
4 the person has gone through a two-week course on
5 radar observing techniques, dealing with the theoretical
6 aspects in addition to the practical aspects; and there
7 is what is called the radar-simulated endorsement which
8 indicates that he has gone through the simulating course
9 consisting of a series of exercises in collision
10 avoidance.

11 Q. Is the first course the prerequisite for
12 the second course, or can one take the radar-simulated
13 course without first taking the observer's course?

14 A. One can go through the simulated course
15 at the present time without having gone through the
16 observer's course; but it would be better if the person
17 concerned were first to go through the radar observer's
18 course before he went through the radar-simulated course.

19 Q. And what license must a man hold to
20 qualify for either of those two courses?

21 A. He must hold a certificate of competency
22 as a master or mate of any grade or class.

23 Q. Now, you mentioned to us yesterday that
24 the radar-simulated course is presently set up on a five-
25 day basis. Is there any tuition fee involved in this
26 course?

27 A. I think here I must go back and perhaps
28 correct an impression which I seem to have given. The
29 Department of Transport is not providing these courses;
30 the various provincial education authorities are



1 English

2 providing these courses. The Department of Transport
3 merely supplies the syllabus of training which would lead
4 to an endorsement.

5 In so far as fees are concerned I understand
6 that the Toronto Nautical School does not charge any fee.
7 I believe that the Vancouver Vocational Institute has
8 instituted a fee of \$15.00. I am not quite certain what
9 they intend to do down in Halifax.

10 Q. Coming now to paragraph 4.17 on page 17
11 of your report, dealing with the combined use of
12 radio-telephone and marine radar, you mention in sub-
13 paragraph 2 that certain procedure -- this is one of
14 the provisions -- is followed for identification and
15 for approach information between vessels. I wonder if
16 you could elaborate on this point?

17 A. In my opinion in order to cut down on
18 the amount of time taken up by messages it would be better
19 to adopt a standard procedure for the vessel on
20 identification of the vessel which is sending the
21 message, and the contents of the message with relation
22 to the geographical position, the course and speed and,
23 shall we say, intentions.

24 Q. Are there presently any regulations
25 pertaining to voice procedure?

26 A. Yes; the telecommunications branch lays
27 down some regulations, I believe, with regard to voice
28 procedure on the radio-telephone.

29 Q. However, I gather you don't feel that these
30 regulations adequately cover what you have in mind.



1 English

2 A. I only dealt with this generally; I did
3 not go into detail on it. I think that this is possibly
4 a departure in pilotage waters in general to introduce
5 radio-telephone calls giving course and speed
6 information for assistance in interpreting radar displays.
7 I think this is quite a new departure in all pilotage
8 waters.

9 Q. Do you know whether radio-telephone is
10 used to any marked degree in conjunction with radar in
11 the St. Lawrence River below Montreal?

12 A. Not to my knowledge, no.

13 Q. Is anything being done presently by the
14 Department to encourage greater use of radio-telephone
15 in this regard?

16 A. No, I don't think so; but -- I don't
17 know if it is correct for me to inject this -- but in
18 my opinion if any ship is fitted with any navigational
19 aid then it is up to those in charge of that vessel to
20 make intelligent use of it.

21 Q. I just have one other point I would like
22 to explore with you, and that deals with the question of
23 sound signals. Up in the Great Lakes and in the St.
24 Lawrence River above Montreal, when two vessels are
25 meeting, even in fog where they can't see one another,
26 the rules provide for the exchange of sound signals. Do
27 you think, after viewing the pros and cons, that there
28 would be any overall advantage in extending those sound
29 signals to the St. Lawrence River below Montreal, to
30 cover the situation where radio communication is perhaps



1 English

2 impossible due to local interference?

3 A. The fog signals and exchange of fog
4 signals in the Great Lakes has some advantages over,
5 shall we say, the international fog signals. I think
6 there are also some disadvantages. When you hear a fog
7 signal and you see, shall we say, a radar echo on the
8 screen you may not be correct in assuming that this fog
9 signal comes from this echo. It may be that there is
10 quite a small vessel which has not been detected on your
11 radar, for some reason or another, which you are now
12 hearing, and you cannot be certain that the two are
13 coming from the same vessel.

14 MR. MASON: Thank you.

15 MR. LANGLOIS: I don't want to unduly take up
16 the time of the Commission, but for the simple purpose
17 of setting the record straight, the answer which was
18 given by Captain Morrison to the first question by my
19 learned friend as to the reason for the accident, as
20 found out by the Inquiry into the grounding of the
21 John S.F. Misener as being an error in radar targets --
22 I wish to draw Your Lordship's attention to the fact
23 that in this case the presiding judge was merely
24 establishing a principle, that the pilot was merely an
25 advisor to the master, but that in this case there was
26 no available master to be advised, with the result that
27 the pilot was left with an inexperienced, junior officer
28 whose duty was restricted to "tooting" the horn.

29 I wish to add that in this case the master was
30 suspended for twice as long as the pilot for his neglect



1 English

2 of being on the bridge when he should have been there
3 after having been called to the bridge.

4 CROSS-EXAMINATION BY MR. LANGLOIS:

5 Q. Now, just one question to clarify
6 Captain Morrison's very enlightening paper.

7 You mention on page 12, under paragraph 12.4,
8 a substitute for plotting -- and I don't know if I
9 missed what you said in this respect, or if this was
10 covered -- but you say that plotting, or some adequate
11 substitute for plotting, is essential. I would like
12 to know what you have in mind as adequate. You use the
13 expression "...adequate substitute for plotting is
14 essential". This is at the top of page 12 in paragraph
15 4.12. That is the first sentence at the top of the
16 page under the heading "Plotting with stabilized
17 display". You say: "If marine radar is to be used to
18 its best advantage, plotting or some adequate substitute
19 for plotting is essential...". I want you to elaborate
20 on what you mean by this "some adequate substitute for
21 radar plotting"?

22 A. Of course, in this technical area you
23 don't know what is going to come up next, and it may
24 be that within a few years they might substitute
25 something new; but what specifically I had in mind when
26 I put that in was the thought that a pilot, from his
27 extensive local knowledge, might be able to provide
28 an effective substitute for plotting if, for example,
29 he notes that an approaching vessel passes a certain
30 buoy at a certain approximate distance, and if under



1 English
2 certain conditions this distance off the buoy can be
3 approximately checked by means of the parallel cursor
4 mark fitted on some radar sets; if he notes that
5 distance off and the time of passing that point, or
6 navigation mark, and then notes when the target next
7 passes another known mark and the distance off, etcetra,
8 I think that that might well be accepted as an effective
9 substitute for actual physical plotting.

10 Q. Now, sir, would you care to explain to
11 the Commission, from the plotting example you gave in
12 your testimony, how the speed of the other ship could
13 have been ascertained by the radar observer? I don't
14 think this was mentioned -- how the radar observer
15 would ascertain the speed of the other ship?

16 A. How he would ascertain the speed of this
17 other ship?

18 Q. Yes; for the purpose of plotting that
19 ship.

20 A. He ascertains the speed of the other ship
21 from the plot; this is one thing. He gets two
22 quantities out of it -- the course and speed. He
23 obtains the speed by measuring the distance between the
24 two points he plots. This is on a true plot; and he
25 multiplies that distance up to one hour to find the
26 other ship's speed in knots. In the example I used
27 I was using a six-minute time interval, and since the
28 other vessel went apparently just under a mile I could
29 say that the speed was just under ten knots.

30 Q. But is it not a fact, then, that in the



1 English

2 last minutes of your plot in the case of a real
3 collision the speed of the other ship would have to be
4 constant? If there was a change of speed on the part
5 of the other vessel the observer might not be able to
6 detect it in time? Is that the fact?

7 A. Yes, that is the fact, and I hope I made
8 that clear in previous testimony, that this whole
9 process of radar plotting depends on the other vessel
10 maintaining her course and speed between the
11 observations.

12 Q. Now, another thing just to make it clear
13 in your testimony: This plotting sheet here shows the
14 actual movement of the ship even although you are using
15 relative motion radar -- this will plot the actual
16 movement of the ships on your paper?

17 A. Yes.

18 Q. Now, you referred yesterday -- unfortunately
19 I have not been able to get a copy of it -- to the
20 syllabus -- you referred in speaking of the syllabus on
21 radar training to the part that must be given to
22 limitations of radar. Would you please tell us what
23 you mean by "limitations of radar" on what is taught to
24 the radar observer.

25

26 --

27

28 --

29

30 --



(English)

A. Do you wish me to refer to the syllabus, sir?

Q. Yes.

A. The syllabus actually reads as follows:

"... to be familiar with the interpretation of the display and to have the knowledge of the limitations of radar including:

1. The comparison of radar vision and ordinary vision and the value of clear weather practice;
2. The effect of the earth's curvature and the effect of wavelengths on maximum range;
3. The effect of size, shape, aspect and composition of the target on detection range;
4. The factors effecting minimum range and range discrimination;
5. The factors effecting bearing discrimination;
6. The characteristics of echoes likely to be of value;
7. The causes and dangers of shadow areas, blind arcs and reduced signal arcs;
8. The causes, characteristics and dangers of reflections from the ship's superstructure, faults and



1 (English)

2 indirect echoes, multiple echoes,
3 side lobes and interference; and

4 9. The detection of movement."

5 Q. Is it not a fact, Captain Morrison, that
6 even the best trained radar observer would not be able to
7 make any allowance for some or the majority of these
8 limitations?

9 A. I am not quite certain, sir, what you
10 mean by "make allowance".

11 Q. To make the necessary corrections as he
12 proceeds on this ship in order to offset these
13 limitations. Take for example the curvature of the
14 earth. How could he correct that as he proceeds along?

15 A. This is not an actual limitation. He
16 cannot obviously do anything about the limitations of
17 radar; the technical capabilities of the radar set which
18 he is using are fixed. He can simply take them into
19 consideration in making use of the radar information he
20 obtains.

21 Q. Yes, they have built-in limitations with
22 which you have to live.

23 A. Yes.

24 Q. And it affects the accuracy of the
25 instrument?

26 A. Yes.

27 Q. That is what I have in mind - that radar
28 cannot be completely depended upon as being accurate.

29 THE CHAIRMAN: Or, in other words, they are
30 accurate in what they show but you have to know what they



1 (English)

2 show?

3 MR. LANGLOIS: And you have not to be too
4 dependent upon what they show on some occasions.

5 THE CHAIRMAN: As long as you know how to
6 read them; that is the point.

7 Q. But I understand the purpose of teaching
8 the limitations to the prospective radar observers is
9 to warn them that they exist?

10 A. Yes, so they can take them into con-
11 sideration when they use the information.

12 Q. So they understand the information they
13 are receiving from the set?

14 MR. BRISSET: I have one question, My Lord.

15

16 FURTHER CROSS-EXAMINATION BY MR. BRISSET:

17

18 Q. The use of radar plotting sheets like
19 the one you have before you (Exhibit 916) is possible in
20 open waters and at sea, for instance, but would you agree
21 that it is hardly possible in narrow channels where the
22 courses are changed as they follow the contour of the
23 channel and where there is heavy traffic?

24 A. Plotting or, as I have described it,
25 some effective substitute for plotting is a necessary
26 adjunct for making proper use of radar. If plotting is
27 dispensed with for any reason and no effective substitute
28 was made for it, then in my opinion the radar is being
29 misused.

30 Q. I do not dispute the fact, Captain, that



1 (English)

2 you have to do some plotting, but have you ever seen in
3 your experience the master or pilot of a ship going down
4 the St. Lawrence from Montreal to Quebec using his radar
5 and filling in a hundred of those sheets on the way down
6 for the hundred ships he will have to meet?

7 A. No.

8 Q. In such a case is it not much better
9 for the two ships that have to meet in narrow channels
10 to rely on the narrow channel rule, Rule 25, which you
11 have quoted at page 14 of your paper which says:

12 "In a narrow channel every power-driven
13 vessel when proceeding along the course
14 of the channel shall, when it is safe
15 and practicable, keep to that side of
16 the fairway or mid-channel which lies
17 on the starboard side of such channel"

18 - and, if I may add, provided everyone agrees on which is
19 my side of the channel and the other party's side of the
20 channel?

21 A. And provided everybody keeps to their
22 side of the channel.

23 Q. Yes.

24 A. There is the difficulty of overtaking
25 vessels as well, which has to be taken into consideration,
26 and small vessels may be crossing.

27 Q. I agree, but I was talking of meeting
28 vessels on up and down courses. Do you agree that the
29 narrow channel rule has value and should be applied in
30 our St. Lawrence narrow channels?



1 (English)

2 A. Definitely, sir.

3 Q. Provided everybody is in agreement on
4 where lies my side of the channel?

5 A. Yes, and I would say that if anybody
6 has doubt he would be well advised to keep as far over to
7 the starboard side as he can.

8 Q. And thus avoid the spectacular collisions
9 such as the "Sunema" and "Argyle" collision in the port
10 of Quebec in 1959 and the "Bariloche", the "Calgadoc" and
11 "Canadoc" collision in the same place in 1963, the
12 vessels on both sides claiming "I was on my side and the
13 other was on the wrong side"?

14 A. Yes.

15 Q. You know of these collisions?

16 A. I know of them, yes, but I was not
17 involved in the investigations at all.

18 MR. LANGLOIS: In one case was there not the
19 incident of the master taking over from the pilot?

20 THE WITNESS: I just mentioned that I did not
21 carry out the investigations so I am not too familiar
22 with the details.

23 THE CHAIRMAN: Are there any other questions
24 to be put to Captain Morrison?

25 It appears that there are no further
26 questions, Captain Morrison. Thank you very much.

27 (The witness withdrew.)

28 THE CHAIRMAN: We will adjourn for ten
29 minutes.

30 (Short recess)



(English)

JAMES EVAN MATHESON, Recalled and duly sworn

THE SECRETARY: Captain Matheson, will you please give your occupation?

THE WITNESS: I am Assistant General Manager, Shipping Federation of Canada.

DIRECT EXAMINATION BY MR. BRISSET CONTINUED:

Q. At the adjournment in January last you had reached a point in your evidence at which you were telling us of the events in the Montreal district involving the Montreal United Pilots and you had reached the year 1958.

A. Yes.

Q. And you had explained to us that there had been representations made by the pilot early in 1958 and then there had been an increase all across the board of five per cent in the tariff?

A. Yes.

Q. I would like to continue the story from then and bring you to the end of the year 1958, to which there is a reference at page 48 of the Federation's brief, Exhibit 726. You mention at the bottom of the page, Captain, that by the end of 1958 the inter-departmental committee appointed by the Minister of Transport (which you had described in your evidence) was appointed to deal with pilotage problems in the various districts and had entered into function, and that there were meetings convened at that time.

There is one point I would like to clear for



1 (English)

2 the Commission. Were the meetings that were called
3 meetings of the interdepartmental committee itself or
4 meetings of the local committees at the instigation of
5 the interdepartmental committee?

6 A. They were meetings of a local committee.

7 Q. Will you tell us on what date the first
8 meeting of the local pilotage committee, as called by the
9 interdepartmental committee, took place?

10 A. Wednesday, September 3rd 1958.

11 Q. Have you kept minutes of that first
12 meeting of the local pilotage committee?

13 A. Yes, we did.

14 Q. Will you tell us who attended this
15 first local committee meeting?

16 A. Captain D.R. Jones was chairman; he
17 was the Supervisor of Pilotage in Ottawa at the time.
18 There was Mr. J.T. Melançon, Superintendent of Pilots,
19 Montreal. Those were the representatives from the
20 department. There were representatives from the Marine
21 Association and the Shipping Federation including myself,
22 and there was representation from the United Montreal
23 Pilots. Mr. Paul Guerin Lajoie and Captain Hamelin
24 represented the United Montreal Pilots.

25 Q. Will you tell us briefly what was the
26 purpose of this first meeting - and to assist you,
27 whether it was more of an organizational meeting when the
28 terms of reference were discussed or whether work was
29 actually done on various problems?

30 A. There was very little achieved in regard



1 (English)

2 to work. This was merely to discuss the composition of
3 the local committee.

4 Q. Were the terms of reference of these
5 committees discussed at that particular meeting?

6 A. Yes.

7 Q. Was there agreement on what the terms of
8 reference would be?

9 A. Yes, there was general agreement on the
10 terms of reference. There was some discussion with
11 respect to what representation should be on the committee.
12 That was resolved without too much difficulty.

13 Q. Would you be good enough to file as
14 Exhibit 920 a copy of the minutes prepared following
15 this first meeting?

16 A. Yes.

17 Q. These minutes, I take it, were prepared
18 in that case by the Federation itself and not by the
19 Department of Transport?

20 A. Yes. I prepared this minute personally,
21 I think. Yes, I prepared it.

22 Q. Captain, I understand that at subsequent
23 meetings minutes were kept by the representative of the
24 Department of Transport and you were supplied with copies
25 of those minutes after the meetings that took place
26 subsequently?

27 A. Yes, we were supplied at a number of
28 meetings that were held with minutes from the Department
29 of Transport.

30 MR. LALONDE: As I stated previously, I have



1 (English)

2 no objection to the production of minutes taken by
3 Captain Matheson except for the usual reservation that
4 the contents of them are not admitted as such.

5 THE CHAIRMAN: Very well.

6 MR. BRISSET: My Lord, in order to assist the
7 Commission and to avoid confusion I have taken the
8 liberty of appending to the minutes of the first meeting
9 the minutes of all subsequent meetings which we are
10 going to file during the course of the evidence so that
11 they can be altogether under the same number.

12 THE SECRETARY: Will you describe this?

13 MR. BRISSET: The exhibit can be described
14 as a copy of the minutes of the meetings of the local
15 pilotage committees held on various dates starting from
16 September 3rd 1958 until February 27th 1959; this last
17 meeting being the fifth local pilotage committee
18 meeting.

19
20 ---EXHIBIT NO. 920:

Minutes of meetings of the
local pilotage committee from
September 3 1958 to February
27 1959 inclusive, en liasse.

21
22
23 Q. I notice from the first minutes of the
24 meeting held in September 1958 that the meeting was
25 adjourned with the intention, I believe, of another
26 meeting being convened shortly thereafter. Will you
27 tell us when the subsequent meeting was convened?

28 A. Yes, the subsequent meeting was
29 convened on November 7th 1958.
30



1 (English)

2 Q. And again, will you tell us what was
3 the representation on that meeting?

4 A. From the Department of Transport there
5 was Captain D.R. Jones, Supervisor of Pilotage, Ottawa;
6 Mr. J. Melançon, Superintendent of Pilots, Montreal;
7 Captain G.W.R. Grieves, Principal Examiner of Masters and
8 Mates. For the United Montreal Pilots there was Mr.
9 Orance Hamelin, Mr. Arcand, Mr. Paul Guerin Lajoie,
10 Professor Jean-Marie Martin. From the Shipping
11 Federation there was Captain J.E. Matheson and Captain
12 R.V. Youd From the Dominion Marine Association
13 there was Mr. I.C. McEwan. There was no representative
14 from the Canadian Shipowners Association. Captain
15 D.R. Jones chaired the meeting.

16 Q. Captain, I would like you to file the
17 minutes of this second meeting as part of Exhibit 920.

18 A. Yes.

19 Q. Will you tell me how it came about at
20 this meeting as appears from the minutes that you
21 distributed a memorandum related to the training,
22 selecting and grading of pilots?

23 A. For some years previous to this we had
24 been making representation to the Department of Transport
25 regarding training, particularly regarding the training
26 of pilots. At the previous meeting this was discussed
27 and it was agreed that each interest would submit in
28 writing at the following meeting their views on this
29 question of training and selection of pilots.

30 Q. You did that at that meeting yourself?



1 (English)

2 A. Correct.

3 Q. And the memorandum which is reproduced
4 in these minutes was prepared by yourself? Am I right
5 in assuming that?

6 A. That is right.

7 Q. For what reason was the Shipping
8 Federation taking a particular interest in these problems
9 or these topics at the time?

10 A. We had, not only at that time but
11 previously, taken a very keen interest in the training
12 of pilots. I myself was a little disturbed about the
13 situation that we were faced with in getting new
14 apprentices or new recruits. The facilities that we
15 had previously for giving these young apprentices a
16 pre-training before they came into pilotage had dis-
17 appeared. At one time, as I think I explained in my
18 previous testimony, Canada had a large merchant fleet.
19 Many of the pilots who were coming in as apprentices
20 prior to 1954 or 1955 had considerable experience on
21 these ships as second mates and chief officers. As the
22 Canadian mercantile marine disappeared, this was not
23 available to the personnel who were taken on as
24 apprentices, and for that reason I felt there should be
25 a programme put into effect for the training of these
26 young men during their apprenticeship. I felt that
27 situation was urgent.

28 Q. Why did you feel the situation was
29 urgent at that time?

30 A. For the reason that I explained.



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12420

(English)

Q. Did you expect, for instance, an

increase in traffic with the opening of the Seaway that
was scheduled for the following year?



1 English

2 A. Oh, yes, particularly with the opening
3 of the Seaway. In any event the trend has been an
4 increase in traffic year after year. It would particularly
5 be expected that there would be a substantial increase
6 with the Seaway coming along.

7 Q. So that has to do with your concern over
8 the existing situation at the time?

9 A. Exactly.

10 Q. Did the pilots at ~~that first~~
11 meeting when grading, selecting and training pilots
12 was discussed themselves submit a proposal?

13 A. No; the Federation was the only one that
14 submitted a proposal in writing. There was no proposal
15 from the Association nor from the pilots, but the
16 pilots had been giving this matter consideration because
17 the counsel that attended this meeting, he referred to
18 notes that he had and suggestions and he commented on
19 them, as I recall, during this meeting.

20 Q. Now, Captain, did you find that the
21 pilots at that time, through their representative Mr.
22 Guerim Lajoie, were more or less in agreement with
23 the proposals of the Federation or whether they were
24 opposed to such proposals?

25 A. No. As far as I can recall there was a
26 general agreement in the principles put forward by the
27 Federation. There may have been some discussion of the
28 details but on the whole there was more or less
29 general agreement as far as I can recall.

30 Q. The minutes which you have filed of that



1 English

2 meeting do incorporate apparently the verbal expression of
3 opinion made by Mr. Guerin Lajoie at the time. Are
4 you in a position to confirm that the minutes do reflect
5 properly the expression of opinion of Mr. Guerin Lajoie?

6 A. Yes.

7 Q. And these are in line, I take it, more or
8 less with your own proposals?

9 A. That is correct.

10 Q. Did the pilots actually submit a written
11 proposal later on that was either in line with Mr.
12 Lajoie's own expression of opinion or different from it
13 eventually in writing?

14 A. It was agreed at this meeting and Mr.
15 Lajoie was specifically requested by myself to let us
16 have a copy of the notes that he was referring to. He
17 eventually did that. As I recall he sent us a copy of
18 his notes when he got them in order. After further
19 consultation with his client he did send me a copy of
20 his notes.

21 Q. And they were the same as the ones
22 submitted at the meeting?

23 A. Substantially the same.

24 MR. LALONDE: I am sorry to interrupt. My
25 friend said they were the same as the ones submitted
26 at the meeting. I do not understand that Mr. Lajoie
27 submitted any notes at that meeting -- or did he?

28 THE WITNESS: He had rough notes that he was
29 referring to, My Lord, at the meeting and we merely
30 asked him to get these notes in order and to send us a



1 English

2 copy; and that is what he did.

3 MR. LALONDE: How can the witness say the
4 notes he received later on were the copies of what Mr.
5 Lajoie was referring to?

6 THE WITNESS: I said, My Lord, that they were
7 substantially the same as the views expressed by Mr.
8 Lajoie at the meeting.

9 MR. BRISSET: Q. And as incorporated in the
10 minutes themselves by the Department of Transport?

11 A. Yes, correct.

12 Q. In other words what he said verbally was
13 written down in the minutes?

14 A. Yes.

15 MR. LALONDE: All right.

16 MR. BRISSET: Q. Was the apprentice scheme
17 eventually put into effect in line with the proposals
18 made by the Shipping Federation and the pilots?

19 A. Yes, more or less. What was eventually
20 agreed to between the pilots and the Department of
21 Transport was basically the same which was submitted by
22 the Federation originally and agreed to with the pilots
23 in subsequent discussions.

24 Q. You have heard, I am sure, Captain
25 Matheson, the evidence given here by the pilots and their
26 representatives to the effect that they were the ones
27 who took the initiative in developing a training scheme
28 for pilots at the time. Do you agree with this statement
29 or do you disagree with it?

30 A. I think I would have to disagree with it



1 English

2 because we have quite a lot to do with that.

3 Q. I see that in your proposal you dealt with
4 the grading of pilots and this is referred to at page
5 2 of the minutes of the meeting?

6 A. Yes.

7 Q. Was the grading eventually put into effect
8 in line with these recommendations?

9 A. I think substantially the same as this.
10 Instead of referring to Grade 1, 2 and 3, it was
11 eventually referred to as Grade A and B and C; but the
12 principle was not too far from what was originally
13 discussed and put forward.

14 Q. Now, Captain, will you tell us when the
15 following meeting of the local pilotage committee was
16 convened?

17 A. The following local pilotage committee
18 meeting, which was the third meeting, was convened on
19 November 27th, 1958.

20 Q. And I take it that you also obtained
21 from the Department of Transport a copy of the minutes
22 kept by the representative of the Department?

23 A. Correct.

24 Q. I would ask you to file the minutes of
25 this third local pilotage committee meeting as part of
26 Exhibit 920.

27
28 ---Notes of meeting of local
29 pilotage committee dated
30 November 27th, 1958 attached
to Exhibit 920.

30 Q. I take it, Captain, from the minutes that



1 English

2 the same parties as had attended the previous meeting
3 were also in attendance at that third meeting?

4 A. Yes. I think there was an additional
5 officer from the Department of Transport, Captain G.G.
6 Leask.

7 Q. I would like at this stage, Captain, to
8 take advantage of the occasion to correct a mistake in
9 the text of the brief of the Federation. At page 46
10 when there is a reference to the minutes of the inter-
11 departmental committee meeting attached as appendix 33,
12 that should read:

13 "The minutes of the local
14 pilotage committee convened by
15 the inter-departmental committee"?

16 A. That is correct.

17 Q. Now, Captain, I would like to speak of
18 the main topics that were discussed at this third
19 committee meeting. Is it not a fact that it was at that
20 meeting that the representative of the pilots, Mr.
21 Guerin Lajoie, announced that the United Montreal Pilots
22 had been incorporated into a corporation under the name
23 of the Corporation of the Mid-St. Lawrence Pilots, or
24 at least that they were going to be so incorporated?

25 A. That is so.

26 MR. LALONDE: Does this appear in the minutes?

27 THE WITNESS: Yes.

28 MR. LALONDE: Oh, yes, it is all right -- the
29 first page.

30 MR. BRISSET: Q. Perhaps we should quote the



1 English

2 relevant extracts from the first page:

3 "At the same time Mr. Lajoie

4 said 'there is no objection to

5 the Department knowing that the

6 United Montreal Pilots are being

7 reorganized in the legal sense.

8 At present it is a partnership,

9 but they plan to set themselves

10 up as a corporation similar to

11 the Kingston and Montreal Harbour

12 Pilots'".

13 That was the announcement made at that time,

14 was it not?

15 A. Yes.

16 Q. I have noticed that at the previous

17 meeting and at this meeting of the 27th November amongst

18 the people present representing the pilots there was

19 Professor Jean-Marie Martin. Was that the first time

20 that Professor ~~Martin~~ had attended meetings between

21 pilots and the shipping industry?

22 A. At this particular meeting I do not think

23 Professor Martin was there. We are referring to the

24 third local pilotage committee meeting, November?

25 Q. Yes. I see his name is the fourth one

26 in the list of names at the top?

27 A. Oh, yes, I am sorry. Yes, of course.

28 Q. He also attended the previous meeting,

29 did he not, the second pilotage committee meeting and

30 his name also appears?



1 English

2 A. Yes, that is correct.

3 Q. Now, Captain, I would like to refer you
4 to page 46 of the brief of the Federation where you
5 speak of the meeting of November 27th, the penultimate
6 paragraph, where you say this:

7 "Attention is drawn to
8 the two specific comments made
9 in these minutes, firstly that
10 made by the Department of
11 Transport regarding 'the
12 impossibility of taking the
13 bonus paid for the services
14 of special pilots and putting
15 it into the tariff for general
16 distribution'".

17 A. Yes.

18 Q. Would you give us a brief outline of how
19 this subject came to be discussed?

20 A. Well, that was a result of our discussion
21 regarding abolition of special pilots and these special
22 pilots who were paid \$15.00 and \$25.00. There was
23 considerable discussion as to what was going to happen
24 to this revenue or how it should be applied. I think the
25 counsel for the pilots felt it should be incorporated
26 in the tariff to provide for it and, of course, what
27 you have just read is the position taken by Captain Jones.

28 Q. In fact it had been agreed, had it not,
29 at that time that the special pilots in the Montreal
30 district would be abolished and that the system would be



1 English

2 replaced by a system of grading of pilots?

3 A. Yes, that is right, and as far as we were
4 concerned, the Federation was concerned, we were in
5 accord with that because the special pilot system in
6 the main Montreal pilotage district had been causing
7 considerable internal strife within the pilotage body.
8 While the system was very attractive to many of the
9 Federation members who have their own special pilots,
10 it was the general opinion, of course, that if we are
11 going to have satisfactory and efficient pilots we have
12 got to try and get clear of any dissension within the
13 group, and this was definitely causing dissension within
14 the pilots.

15 So we decided we would follow in agreement
16 that the special pilots in this particular district
17 at that time should be abolished.

18 Q. Another statement which you have picked
19 up from the minutes of this meeting, Captain, also
20 recorded on page 46 of your brief, is to do with the
21 insistance of the pilots that distribution of pilots'
22 money has nothing to do with the Department of Transport,
23 although allowing that Parliament is the supreme
24 authority.

25 In fact at the time of the meeting was the
26 distribution of the pilotage revenues between the
27 various grades of pilots discussed?

28 A. Yes.

29 Q. What was the attitude of the pilots through
30 their representatives at the time in respect of such a



1 English

2 distribution?

3 A. Well, with regard to this distribution the
4 position taken by the pilots was that this was a matter
5 for the pilots and not a matter for the Department or
6 anybody else. This attitude on the part of the pilots
7 gave us some grounds for concern. They were trying to
8 usurp the authority of the Department. We felt strongly
9 that this distribution of revenue was a matter which
10 should be decided by and administered by the Department
11 of Transport.

12 Q. I would like to refer you to your
13 appendix No. 34 in the second volume of the Federation's
14 brief, this being a letter addressed on January 7th by
15 yourself to Mr. Cumyn, the Director of the Marine
16 Regulations, Department of Transport -- also, I take it,
17 at the time the head of the Inter-departmental Pilotage
18 Committee?

19 A. Yes.

20 Q. Is that the letter that you wrote at
21 the time?

22 A. That is correct.

23 Q. In this letter, Captain, you raise
24 officially before the authority your concern over
25 the corporation's system following the announcement that
26 the Montreal United Pilots were to set themselves up
27 into a new corporation.

28 In this particular letter you make some
29 comments which I should like to review with you. In the
30 third paragraph, for instance, you say:



1 English

2 "It is the opinion of the
3 Federation that such a procedure
4 as the one described related to
5 the pooling of the earnings in
6 their division" --

7 you say that such a procedure as suggested by Mr. Guerin
8 Lajoie would be in ~~fact~~ creating a closed shop for
9 pilots in that all pilots would have no alternative
10 but to join the corporation.

11 What was your basis for making this statement
12 at the time?

13 A. Well, the information that I had was that
14 the corporations were going to take complete control of
15 the earnings, of the monies of the pilots and I felt
16 that that was going a long way and that it was creating
17 something even more intense than a closed shop.

18 Q. Or that a labour union -- you refer to
19 another type of organization?

20 A. Yes. It was not a case of paying dues.
21 As I understood it it was a case of all earnings of the
22 pilots should be taken over by the corporation.

23 Q. You have been here, I believe, while some
24 of the evidence was given by the corporation themselves,
25 or other officers, both in Montreal and Quebec, where it
26 was shown how the corporations took over the earnings
27 of even those who were not willing to join them through
28 the guise of making the by-laws of the corporation
29 the by-laws of the existing association and vice versa.

30 --

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1 English

2 A. Yes, I have.

3 Q. Now, taking this into account, in what
4 respect do you feel that ---

5 MR. LALONDE: I object to the statement as
6 to the law situation -- the legal situation -- that we
7 are referring to here.

8 MR. BRISSET: Q. Taking this legal situation
9 into account, then, Captain -- with reference again,
10 to the statement contained in your letter of January 7th
11 -- in what respect would this be giving the corporation
12 complete authority over the district -- at least, in the
13 manner in which you contemplated it at the time? Or was
14 it from your own experience?

15 A. Well, as I understood it, the pilots
16 were required to sign a Power of Attorney to the
17 corporation, and the corporation could take possession of
18 their earnings.

19 Q. In other words, at the time when the
20 scheme was in the making the corporation and the
21 association and vice versa had not yet been told that
22 pilots would have to give Power of Attorney to the
23 corporation?

24 A. Correct; that was my understanding.

25 Q. That was what you understood at the time
26 of these meetings ---

27 COMMISSIONER SMITH: Leaving aside the question
28 of the dissenters, the suggestion has been made that a
29 pilot have the right -- the sovereign right -- to
30 regulate his own earnings and that the Shipping



1 English

2 Federation and the other interests have that right; and
3 this suggestion has been made: Why deny pilots the
4 right to regulate and govern and distribute their own
5 earnings? Now, what is the answer to that?

6 A. I don't think, Mr. Smith, that anyone is
7 denying the pilots that right. It is the system that
8 is applied to bring this about.

9 If pilots were paid the money and they, of
10 their own volition, paid it, or a certain portion of
11 their earnings, into the corporation then I don't think
12 anyone would have any objection to that. That is their
13 own business. But that is not the way it works, Mr.
14 Smith, as I understand it. The situation is that the
15 Department of Transport, acting in their capacity as
16 a collecting agency, collects the revenue derived from
17 the tariff, and this entire revenue is paid into the
18 corporation. Now, the corporation have got expenses.
19 We have got associations; we have got corporations; we have
20 got federations and tariffs; we have got pensions
21 and various other things -- substantial expenses that
22 come out of the total revenue, and then what is left
23 is divided equally to the pilots. But as I understand
24 it, and as it was explained to me -- and I lived very,
25 very close to the situation at that time -- even after
26 a division takes place the corporation still has got
27 control of the remainder of the money and can pay it
28 when they like and if they like to the pilots.

29 You will recall that in some previous
30 testimony I said that the pilots signed a Power of



1 English

2 Attorney over to the corporation.

3 COMMISSIONER SMITH: Yes; but isn't it the
4 fact that this money goes from here to Ottawa and comes
5 back again and whatever the distribution may be, and
6 whatever the corporation may decide with respect to the
7 distribution and all the elements connected with it,
8 the money is actually the pilots' earnings?

9 THE WITNESS: It is money the pilots earned, yes.
10 The only point I am making is that it should be paid
11 to them; and what they do with it after it is paid to
12 them, that, of course, is their own business. But this
13 money is not paid to them -- although they earn it --
14 until it is decided by just a small minority group
15 when and if this money is paid and what amount of money
16 is paid.

17 That is my understanding of the situation.
18 That is the reason why I view it very seriously, and that
19 is the reason why I put my thoughts at that time down
20 on paper to the Department of Transport, as reflected
21 in our letter which is now an exhibit.

22 COMMISSIONER SMITH: I am not arguing the point
23 and I am not saying whether I agree or disagree with
24 it -- I don't know -- but what I am trying to do is to
25 get the answers.

26 THE WITNESS: Yes..

27 COMMISSIONER SMITH: Now, you have made the
28 statement that the decision with respect to this money
29 that comes back from Ottawa is decided by a minority.
30 Is the minority clothed with the authority by the



1 English

2 corporation to make these decisions?

3 THE WITNESS: I am afraid I don't quite follow
4 -- are you speaking of the authority of the Department
5 of Transport?

6 COMMISSIONER SMITH: I am talking about a
7 corporation authority. I mean are they clothed with
8 the authority by the by-laws of the corporation, to
9 make the distribution?

10 THE WITNESS: Undoubtedly.

11 COMMISSIONER SMITH: So that while the minority
12 may make the decisions they are authorized to make
13 decisions by the rules of the corporation, or whatever
14 it may be?

15 THE WITNESS: I don't know what percentage
16 they require -- I am not familiar with that -- but I
17 do know that there has been dissent and that I have
18 been appealed to particularly by the dissenters.

19 MR. BRISSET: Q. At all events, Captain, am
20 I right in assuming that your letter of January 7th,
21 addressed to the Pilotage Authority or to Mr. Cumyn,
22 was your first official statement in connection with
23 the corporation system directed to the Pilotage
24 Authority ---

25 A. Correct.

26 Q. --- in which you expressed your views?

27 A. Yes.

28 Q. Now, am I right in assuming that you were,
29 by reason of the development of the corporation system, fore-
30 seeing trouble in the years ahead?



English

1 A. That is what I fear.

2 Q. And have your fears been substantiated?

3 A. Well --

4 MR. BRISSET: I don't think you need answer
5 that. We wouldn't be here if they had not.

6 MR. LALONDE: The causal relationship is not
7 established.

8 MR. BRISSET: Q. There is one other point I
9 want to take up with you in connection with your letter
10 of January 7th. You conclude that letter by saying:

11 "The Department is therefore
12 urged to explore the advisability
13 of this suggestion..."

14 -- namely, putting the pilots on a salary basis --

15 "...in so far as the above-named
16 districts are concerned, and
17 preferably if such a system
18 could be given effect to without
19 giving the pilots concerned
20 civil service status".

21 What I want to ask you is this: Was this the
22 first occasion that you raised with the Department the
23 possibility of placing pilots on a salary or income
24 basis, so far as you recall? That would be January
25 1959?

26 A. No; I think the suggestion was made
27 previous to that. Whether it was made in writing or not,
28 I couldn't say; but possibly it was made previous to
29 that.

30 Q. But was it about time, whether it



1 English

2 may have been a few months earlier or not ---

3 A. Yes.

4 Q. --- that the thought was first expressed
5 officially?

6 A. Yes.

7 Q. Now, I was about to ask you when the
8 following committee meeting ---

9 THE CHAIRMAN: I think before you get into that
10 we might adjourn.

11 We will adjourn until 2:30 p.m.

12 ---Luncheon adjournment.

13

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1 On resuming at 2.30 p.m.

2 (English)

3 Q. Will you tell us on what date was
4 convened the fourth local pilotage committee meeting?

5 A. The fourth local pilotage committee
6 meeting was convened on January 29th 1959.

7 Q. I would ask you to file as part of
8 Exhibit 920 a copy of the minutes of this particular
9 meeting which I understand was supplied to you - and
10 will you confirm this? - by the Department of Transport.

11 A. That is correct.

12 Q. I take it, Captain, that those in
13 attendance were the same both for the Department of
14 Transport and pilots as well as for the Shipping
15 Federation as at the previous meetings, or at least at
16 the third meeting?

17 A. That is correct.

18 Q. Again, I notice from the names of those
19 attending that Professor Jean-Marie Martin was attending
20 in the company of the counsel for the pilots, Mr.
21 Guerin Lajoie?

22 A. That is correct.

23 Q. Generally speaking, Captain, at that
24 meeting were there any questions of importance discussed
25 or resolved, or were you still putting a final touch to
26 the system of grading and training apprentice pilots?

27 A. Yes, and the special pilot situation was
28 again discussed there.

29 Q. As a result of the meetings that had
30 been held up to that time in connection with training



1 (English)

2 and grading of pilots, I take it that the special pilots
3 system was abolished. Will you tell me when that be-
4 came effective? Was that at the beginning of the season
5 of 1959?

6 A. Yes, I believe it was. Yes, the
7 United Montreal District.

8 Q. At the time of the meeting of the local
9 pilotage committee on January 29th, was there any
10 indication given to you by the pilots or the Department
11 of Transport that the tariff of pilotage dues for the
12 season to come was to be revised?

13 A. No, not at that meeting.

14 Q. Had you received directly yourself
15 from the pilots or their organizations any request for
16 a revision of the tariff at that time?

17 A. Not at the time of the meeting or prior
18 to the meeting, no.

19 Q. In the chain of events, Captain, I
20 would like to refer you to Appendix 39 in the second
21 volume of the brief of the Federation, page 100. I
22 would ask you to tell me whether the letter and the
23 appendices to this letter (which are copied in this
24 volume) are the documents which you received at that
25 time.

26 A. Yes, this was received. What time do
27 you mean?

28 Q. To be more specific, was it received
29 before or after the meeting of January 29th?

30 A. After the meeting of January 29th.



1. (English)

2. Q. Even though the letter was dated
3. January 27th?

4. A. That is correct.

5. Q. If you refer to the third paragraph of
6. the letter of January 27th, addressed by Captain Jones
7. to yourself, you will find a reference to copies of
8. the latest submissions on the subject of the revision of
9. the tariff of pilotage in the Montreal district entailing
10. an increase prepared by Professor J-M. Martin together
11. with a review of this proposal by the Department's
12. economist and further observations. I would like you
13. to tell me whether the accompanying document, being in
14. the form of a memorandum dated January 12th is the
15. document to which there is reference in this letter as
16. being the memorandum prepared by the economist of the
17. Department - that is at page 101 of the second volume of
18. the brief?

19. A. Yes, this was prepared by the economist
20. of the Department of Transport.

21. Q. At the same time as you received this
22. document, did you receive the submission prepared by
23. Professor Martin as well as another submission prepared,
24. I suppose, by Professor Hodgson?

25. A. Yes, around about the same time.

26. Q. I would ask you to file as Exhibit 921
27. the submission prepared by the two economists I have just
28. mentioned, Professor Martin and Professor Hodgson?

29. A. Yes.

30. Q. So we may identify these documents,



1 (English)

2 Captain, let me say the first one dated November 26th
3 1958 is a paper prepared by Professor James Hodgson and
4 the second one, dated December 11th 1958, is the paper
5 prepared by Professor Martin?

6 A. That is correct.

7 Q. In connection with these two papers
8 prepared by the economists engaged by the pilots, I would
9 like to refer you, Captain, to page 47 of the brief of
10 the Federation in which you draw the attention of this
11 Commission to two statements contained therein. The
12 first one, and I quote, is the statement by the pilots'
13 economist that:

14 "The proposed new tariff would increase
15 total gross revenues by about ten per
16 cent as compared to the revenues
17 obtained from the current rates."

18 In this regard I would like you to confirm whether or
19 not the basis of this statement is contained on Table 5
20 of the paper prepared by Professor Martin?

21 A. Yes, that is where it refers to 9.82
22 per cent.

23 Q. In other words, the ten per cent
24 mentioned in your brief really would be 9.82 per cent
25 according to Table 5?

26 A. Yes, that is correct.

27 Q. In this table, if I understand it
28 correctly - and check me if you do not agree with my
29 statement - Professor Martin on the basis of the new
30 rates recommended estimated what would have been the



1 (English)

2 earnings or revenues of the district up to August 1st
3 1958, namely \$528,245.10 whereas under the rates still
4 prevailing they had been of the order of \$480,992.91?

5 A. That is correct.

6 Q. The difference being 9.82 per cent,
7 the increased suggested?

8 A. Yes.

9 Q. I would like to quote to you again from
10 your brief the other statement that you have picked up
11 as particularly important, namely this statement by the
12 pilots' economist giving as one of the reasons for the
13 proposed new rates:

14 "Last but not least, they have to be
15 based upon the real factors upon which
16 any rate structure should be based,
17 that is they should be linked closely
18 with the earning capacity of the ship
19 as well as reflecting the true
20 character of the task the pilot has to
21 perform."

22 Is it not a fact that this is taken from page 15 --

23 A. That is right, page 15.

24 Q. -- of the paper prepared by the
25 economist, Professor Martin?

26 A. No, Professor Hodgson.

27 Q. Are you quite certain of this?

28 MR. LALONDE: Professor Martin - item No.

29 4.

30 MR. BRISSET: Professor Martin, yes, in his



1 (English)

2 conclusion.

3 THE WITNESS: Yes, I am sorry, Professor
4 Martin.

5 Q. I take it, Captain, that you had
6 occasion to study these papers at the time they were
7 presented to you?

8 A. Yes.

9 Q. On page 47 of your brief you make the
10 statement that the stage was set for a new era of
11 assessing pilotage dues. Then you expand this by
12 making three statements which I would like you to
13 develop perhaps some more before this Commission.

14 Before you do this, Captain, I think the
15 time would be ripe to give us from your experience an
16 idea of how before this new era occurred negotiations
17 used to be carried on with pilots when you were doing so
18 yourself?

19 A. Previous to this time negotiations were
20 negotiated directly with the pilots most of the time.

21 Q. When you say "directly" you mean between
22 the shipowners and their representatives and the pilots
23 and their representatives?

24 A. That is correct. Here I would like to
25 say that we had difficulty in these negotiations at times
26 but generally the Federation's approach to these
27 negotiations was a generous approach, and always had
28 been. I think it would be fair to say that the pilots
29 themselves were not unreasonable when we met them.
30 However, to explain the difficulty, it was the system



1 (English)

2 with which we were confronted that was causing the
3 difficulty in that we had a tariff that was used as a
4 basis for arriving at certain gross revenue. Our
5 difficulty was that when we were negotiating we were
6 negotiating on the basis of an unknown quantity.

7 Q. When was that? Before this new era or
8 after?

9 A. Yes, before. If there was difficulty,
10 that was our difficulty; we were negotiating on this
11 basis. That resulted in the Federation proposing this
12 target income.

13 I would like to say here that if we were
14 negotiating with the pilots with known factors, I do
15 not think there would have been any difficulty at all.
16 I do not think we would need lawyers; I do not think we
17 would need economists; and we would not need a third
18 party to get agreement.

19 MR. LALONDE: That must be stopped!

20 MR. JACQUES: And you may as well include
21 commissions!

22 THE WITNESS: In this connection, I would
23 like to suggest that what is necessary is to have a
24 target income and know exactly where we are going when
25 we sit down to negotiate with pilots. If we are going
26 to have a tariff - and as a matter of fact I am inclined
27 to think we would be better without one - it should be
28 as simple as possible, and the more simple it is the
29 more efficient and effective it will be in my opinion.
30 Another factor necessary in coming to an agreement with



1 (English)

2 regard to earnings is that there should be some yard-
3 stick as regards the number of pilots necessary in the
4 particular district. I mean by that that if we had some
5 formula that would assist the number of pilots we would
6 require in a certain area, that with a target income and
7 a simple tariff (if we have a tariff), I am quite sure
8 the shipping people would have no difficulty in
9 negotiating with the pilots and in arriving at con-
10 clusions.

11 Q. Now, Captain, you have given us
12 illustrations of negotiations you had with the pilots.
13 To pick up one of those instances, I recall that in that
14 year or in the year previous - the year 1958 - the pilots
15 had submitted proposals involving the revisions of the
16 tariff and finally you had agreed to an across the line
17 increase of five per cent. When that agreement was
18 reached in 1958 had there been consideration given to
19 what that meant by way of increase in the individual
20 pilot's income?

21
22 --- EXHIBIT 921:

Proposed new rate of pilotage
dues, Montreal Pilotage
District prepared in November
and December 1958 by Prof.
Jean-Marie Martin and Prof.
Hodgson on behalf of United
Montreal Pilots.



1 English

2 A. No, it was merely on account of the
3 unsatisfactory system that was in effect. The only way
4 we could get agreement was by agreeing that it should be
5 increased by a certain percentage and sometimes -- well,
6 by a certain percentage and to the overall earnings
7 of the district.

8 Q. Is it correct to assume that when you
9 agreed to a 5 per cent increase all across the board
10 you would expect that the results would be about a
11 5 per cent increase in the earning of the pilots
12 individually for that year?

13 A. That was the principal intention and
14 design of the increase being a 5 per cent increase,
15 or a 5 per cent surcharge we usually call it.

16 Q. You have also told us of negotiations
17 that had taken place for instance in the District of
18 Quebec when you were negotiating directly with the
19 pilots or their representatives and that some
20 concessions had been made, some rates had been increased
21 or a new charge had been created. When this was done
22 was the intention again to provide an increase in the
23 pilots' individual earnings related to the concession
24 made?

25 A. Oh, of course.

26 Q. In other words am I correct in assuming
27 that in those days you were discussing in the light
28 of what the changes made in the tariff would produce
29 by the way of additional income to the pilots themselves?

30 A. Absolutely.



1 English

2 Q. Is that not the way it was done in
3 1958 or 1959 in the Kingston district when a target
4 income of \$10,600.00 had been contemplated for the
5 pilots?

6 A. Yes; that is a very good example now
7 of what I am trying to explain. When the Seaway came
8 into being in the Kingston district we were faced with
9 a completely different situation in that the tariff that
10 was in effect for the old canals, the new conditions
11 changed that entirely.

12 We had long negotiations about this new
13 tariff. In the first respect it was in connection with
14 the length of time, the time element that a ship would
15 take from Montreal to Kingston. Then that was resolved
16 and then our difficulty was, well, what is the factor?
17 Here again we were faced with an unknown factor --
18 what money do we need to raise?

19 It was not until the pilots indicated and
20 eventually agreed that the rate in the previous year
21 was a certain amount -- and I think it was \$10,600.00 --
22 and that we should aim for that rate for the next
23 year. When we had agreed on these two facts there was
24 no difficulty then in the Department coming up with a
25 tariff, quite a simple tariff, which provided for that
26 money.

27 Q. Having gone over the pattern of previous
28 negotiations I want to come back to the situation you
29 were faced with in 1959 when you said that a new era
30 was being set.



1 English

2 You gave in your brief three explanations
3 for this, the first one having to do with the creation
4 of a new form of closed shop. We will not go over this
5 because this has already been discussed this morning.
6 I want to pass on to the second one, the introduction
7 of the principle that pilots should be remunerated in
8 relation to ships' earning potential. Had that ever
9 been taken into account earlier? Was that a new idea
10 or not?

11 A. It was a new idea. It was not taken
12 into account to any great extent previously because it
13 was agreed when negotiating with pilots that they
14 thought they should have a certain increase in their
15 earnings, and that was given effect by a percentage
16 increase in the overall tariff.

17 The tariff was amended to reflect whatever
18 increase we felt was agreed to between the company,
19 between the Federation and the pilots.

20 Q. The economists had related the figures
21 to the earning potential of the ship and I would like
22 you to tell us whether by "earning potential" it was
23 understood at least by you at the time whether it was
24 the earning potential in the abstract or the earning
25 potential in fact of the ship -- in other words whether
26 the fact that a ship may lose money or make money in
27 fact had anything to do with the new tariff structure.
28 In other words, for instance, was there any
29 consideration given to the possibility that in spite of
30 all her earning potential a ship might actually be



1 English.

2 operated at a loss?

3 A. No, there was no consideration given to
4 that aspect.

5 Q. From the point of view of the pilots
6 a ship is always making money for pilotage tariff
7 purposes?

8 A. Yes, for tariff purposes.

9 Q. The third point which you raised as
10 introduced in this new era was a complete reconstruction
11 of the tariff with no less than eight changes affecting
12 the rates all without any discussion of what they would
13 produce in the form of annual remuneration of the
14 individual pilot. At that time, Captain, was there
15 any indication given by the pilots of what they wanted
16 by way of individual earnings for the season of 1959?

17 A. These negotiations were going on between
18 the pilots and the Department of Transport.

19 Q. Was it with or without your knowledge?

20 A. Without our knowledge.

21 Q. Was that a new situation too, that the
22 pilots should be discussing tariff with the Department
23 without your knowledge?

24 A. Oh, absolutely; entirely new.

25 Q. Do you know for how long these
26 discussions had taken place before the receipt of the
27 letter of the Department after January 29th?

28 A. As far as I can recollect I think it
29 had developed -- these negotiations had been going on
30 for several months.



1 English

2 Q. Without any advice to you?

3 A. That is right.

4 COMMISSIONER SMITH: You had knowledge that
5 they were going on, had you?

6 THE WITNESS: No. At this particular time,
7 as far as I can recall, we had no knowledge prior to
8 the local pilotage committee meeting referred to, the
9 last one that was on November ---

10 MR. BRISSET: Q. January 29th.

11 A. January 29th.

12 Q. And even at that meeting which took place
13 before the receipt of the letter of January 27th you
14 had not been advised?

15 A. That is right.

16 Q. Following the receipt of this letter
17 from the Department was there another committee meeting
18 convened as the fifth committee meeting?

19 A. Yes.

20 Q. I would ask you to file the minutes of
21 this meeting of February 27th, 1959 as part of Exhibit
22 920. Will you confirm whether these minutes were also
23 prepared by the Department of Transport and presented
24 to Captain Leask?

25 A. Yes, they were.

26 ---Minutes of meeting of February 27th,
27 1959 attached to Exhibit 920.

28 Q. At page 47 of your brief, Captain, you
29 mention that at that meeting the officers of the
30 Department advised that the Department had decided that



1 English

2 some upward revision in the tariff was justified and
3 would be given effect prior to the opening of navigation?

4 A. Yes.

5 Q. Had you been notified before that meeting
6 that such was the intention of the Department?

7 A. Not before, no.

8 Q. So I am right in understanding that this
9 notification was given to you at that meeting of
10 February 27th?

11 A. That is right.

12 Q. You mention also that the representative
13 of the United Montreal Pilots who attended that meeting
14 had indicated at the meeting that there would be a strike
15 if the demands were not met. Where is your support for
16 this statement, Captain?

17 A. That is contained in a memorandum I have
18 got here dated March 3rd. Do you want me to read it?

19 Q. Well, tell us who prepared that memorandum
20 and the origin of it?

21 A. This is the Shipping Federation's
22 memorandum.

23 Q. Who prepared it? Was it you or somebody
24 else?

25 A. I prepared it.

26 Q. You prepared it? What does it contain by
27 way of reference to this threatened strike?

28 A. At the conclusion of the meeting Mr.
29 Guerin Lajoie advised the chairman that he had been
30 directed by his clients, the director of United Montreal



1 English

2 Pilots, that if the new tariff was not in effect by
3 the opening of navigation the services of the pilots
4 would not be available.

5 Q. What was the stand of the Shipping
6 Federation at that meeting as communicated to the
7 Department of Transport with respect to the proposed
8 revision entailing increases in the tariff?

9 A. Well, as far as I can recall the
10 position taken by us at that time was that there was
11 no justification for any increases.

12 Q. Had you offered to negotiate yourself
13 directly with the pilots at that time as you had done
14 in previous years?

15 A. I was available for negotiations. I do
16 not know if we actually offered to enter negotiations;
17 I just do not recall that.

18 Q. At all events, Captain, I take it that
19 the increases in the tariffs were put into effect in
20 1959?

21 A. Oh, absolutely.

22 Q. In that district?

23 A. They certainly were.

24 Q. How were you advised that this was going
25 to be so?

26 A. We were advised at a meeting in our own
27 office, I believe, attended by Mr. Cumyn, the director
28 of Marine Regulations, and Captain Jones.

29 Q. In other words these two gentlemen came
30 down to Montreal to meet with you at your office?



1 English

2 A. Well, they first met the United Montreal
3 Pilots, I believe.

4 Q. But you were not in attendance?

5 A. No.

6 Q. And then they met with you?

7 A. That is correct.

8 Q. Have you a record of that meeting, which I
9 take it -- if I may assist you -- took place on March
10 18th or thereabouts?

11 A. Yes, I have got it here. Yes, I have
12 a memorandum of that meeting held on March 5th.

13 Q. I am sorry, March 5th, yes. What was
14 conveyed to you by the departmental officers at that
15 meeting?

16 A. That the Department had decided to
17 approve an increase in tariff of about 6 per cent
18 over the 1958 year.

19 Q. A general increase of 6 per cent over
20 the rates of the previous year?

21 A. Correct.

22 Q. Intended therefore to provide, I take it,
23 an increase in the individual remuneration of pilots
24 of an equal percentage, namely 6 per cent?

25 A. Of course.

26 Q. In doing so what recommendations did
27 they follow? Was it the recommendations of the economist
28 of the pilots of the recommendations of the economist
29 of the Department related to the recommendations of
30 the economist of the pilots?



1 English

2 A. It was related to the recommendations
3 of the economist of the Department of Transport. He had
4 given two alternatives, No. 1 and No. 2. The No. 2
5 alternative was what was put into effect.

6 Q. When you say "No. 1 and No. 2" if I may
7 clarify this, I assume that you refer to table 1 and
8 table 2 of Appendix No. 35 with which you had been
9 furnished by the Department earlier in January and which
10 are to be found at page 103 and 104 of the second
11 volume of the brief?

12 A. Correct.

13 Q. Was there anything else that was told
14 to you by the departmental officers as to why they were
15 putting this tariff into effect at that stage with little,
16 if I may say so myself, consultation with you?

17

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1 English

2 A. Well, at that particular time the
3 Department would have put anything into effect that the
4 pilots suggested.

5 Q. Why?

6 A. Because this was just prior to the opening
7 of the Seaway, and the Queen's yacht was coming over
8 and there were a lot of preparations in that connection;
9 and the Department quite frankly said, so far as I can
10 recall, that they were not going to have any
11 embarrassment or trouble at that time.

12 Q. That was what they told you?

13 A. Yes.

14 Q. What did you do in the light of that
15 declaration which the Departmental officers took the
16 trouble of making to you, coming to your own office
17 to do it?

18 A. We protested it vigorously.

19 Q. In what manner? I would like to refer,
20 if I may assist you in this respect, to Appendix No. 36,
21 page 105 of the brief of the Shipping Federation. ---

22 MR. LALONDE: Is my learned friend going to
23 produce the memorandum to which Captain Matheson has
24 referred, of March 5th, 1959?

25 MR. BRISSET: I am quite willing to do that.

26 THE WITNESS: Yes.

27 ---EXHIBIT NO. 922: Memorandum prepared by
28 Captain Matheson
29 following meeting
30 with departmental
officers on March 5,
1959.



1 English

2 MR. BRISSET: Q. Exhibit 922 is the memorandum
3 that you prepared yourself, following a meeting you had
4 with departmental officers on March 5th, 1959?

5 A. There are several copies here.

6 MR. LALONDE: With the usual reservation.

7 MR. BRISSET: Q. I was referring you, Captain
8 Matheson, to Appendix 36, a telegram addressed by the
9 General Manager of the Shipping Federation of Canada,
10 dated the same date as the date of your meeting with the
11 Departmental officers, namely, March 5th to the Honourable
12 George Hees, Minister of Transport. Is this a telegram
13 that you dispatched, or that was dispatched, at that
14 time?

15 A. Yes.

16 Q. I note that you were asking for a
17 meeting with the Minister in that telegram. Were you
18 given the opportunity of having that meeting?

19 A. No, not that I recall.

20 Q. Will you refer to Appendix 37 at page
21 107 of your brief and tell me whether this is the
22 reply, dated March 9th, which you received from the
23 Minister of Transport?

24 A. Yes, this is the reply to our telegram.

25 Q. In that reply you were invited to meet
26 the Deputy Minister on March 16th. Was there such a
27 meeting, in fact? Do you recall?

28 A. Frankly, I can't recall.

29 MR. LALONDE: I might be able to help the
30 witness by referring him to the document he has produced



1 English

2 as Exhibit 922, the last paragraph, which reads:

3 "...on March 16th the
4 delegates from the Federation
5 proceeded to Ottawa and met
6 with Mr. J.R. Baldwin..."
7 etcetra, etcetra.

8 THE WITNESS: Thank you.

9 MR. LALONDE: It is nothing at all!

10 MR. BRISSET: Q. However, before we come to
11 this meeting of 16th March I would like you, captain,
12 to refer to Appendix 38 at page 108 of the Federation's
13 brief, and I would ask you to tell me whether this is
14 the record which you received yourself from Mr. McLeod,
15 the economist of the Department, explaining what was
16 intended by the revisions of the tariff that had been
17 decided upon by the Department?

18 A. Yes.

19 Q. That is the explanation which you
20 received from Mr. McLeod?

21 A. That is right.

22 Q. Now, I would like to draw your attention
23 to the second paragraph of that letter of Mr. McLeod,
24 in which he states that the purpose of the new tariff
25 was to produce an increase of approximately 6 per cent
26 over 1958.

27 A. Yes.

28 Q. You see that?

29 A. Yes.

30 Q. This concerned, I take it, the advice you



1 English

2 had previously been given by the departmental officers
3 of what the objective was?

4 A. That is right.

5 Q. Do you still maintain, under the
6 circumstances, that actually so far as you could find
7 out at that time there was no real discussion with the
8 pilots of what increase they wanted in their annual
9 remuneration?

10 A. No; the discussion was at that time
11 between the pilots and the Department, so far as I can
12 recall.

13 MR. LALONDE: I didn't hear that.

14 THE WITNESS: The discussion at that time was
15 between the pilots and the Department of Transport,
16 not with the Shipping Federation.

17 MR. BRISSET: Q. So you had no knowledge at
18 that time of by how much the pilots actually wanted
19 their individual earnings to be increased over the
20 previous season?

21 A. No.

22 Q. Now, I would like to direct your
23 attention to another part of the letter of Mr. McLeod,
24 namely, this -- and this is in the second paragraph --
25 "If the special payments are to be abolished and an
26 increase amounting to \$62,000.00 in 1957 is to be
27 added to the regular income the objective becomes
28 approximately \$1,280,000.00 which is a further increase
29 of 5 per cent to 6 per cent."

30 Keeping this statement in mind I would like you



1 English

2 to refer to what had happened at a previous meeting
3 when you had been informed by the Department that it
4 didn't seem possible to take into account the bonuses
5 paid to special pilots in the revision of tariffs,
6 to distribute this to all pilots. Do you recall this?

7 A. Yes.

8 Q. Did you bring to the attention of the
9 Department this apparent reversal in their policy at
10 the time? Do you recall?

11 A. I don't recall.

12 Q. However, do you construe, or did you
13 construe that at the time, as a reversal of policy?

14 A. Oh, absolutely; there is no doubt about
15 that. But whether we drew it to the attention of the
16 Department or not, I can't recall.

17 Q. Now, always on the subject of this
18 particular letter of March 9th, I would like to refer
19 you to the last paragraph which reads:

20 "One final reservation of
21 the greatest importance must be
22 recorded. The use of 1957 traffic
23 data to devise a new schedule of dues
24 does not imply that that traffic
25 pattern is expected to
26 hold valid with the opening
27 of the Seaway in 1959. On
28 the contrary, it is expected
29 that there will be fewer
30 canallers and other small ships



1 English

2 in the district, vessels of deeper
3 draft up to 25 feet and more vessels
4 of comparatively large tonnage. When
5 the new pattern begins to take
6 definitive shape it may therefore be
7 necessary to reconsider the schedule
8 of dues and other matters concerning
9 pilotage."

10 Keeping this statement in mind, Captain, had that been
11 one of your very arguments in the matter of revising
12 the tariff?

13 A. Yes, it had been.

14 Q. Why?

15 A. Because it was difficult or impossible to
16 estimate, on account of the system that was in effect,
17 how much money a tariff, or an amendment to tariffs
18 would produce; and we always felt that when a tariff
19 was given effect to that it should be revised during
20 the season, or at least looked at during the season to
21 see if it was going to make the necessary revenue or
22 produce the necessary revenue that we wanted, or whether
23 it was going to be short.

24 Q. In other words, I take it, Captain, it is
25 always difficult to base a tariff, to bring about a
26 certain revenue, on the traffic pattern of the future?

27 A. That is correct. But I will say this,
28 regarding the traffic, that it is not such a problem
29 because the traffic has a certain pattern. You could
30 base it on the previous year so far as traffic was



1 English.

2 concerned.

3 Our difficulty was to know exactly what amount
4 of money we required; and I have already explained that
5 -- that you should have a cargo income and you should
6 have a simple tariff and we should have a yardstick as
7 regards the number of pilots.

8 Q. Now, Captain, wasn't it somewhat unusual
9 in this particular case for the economist of the
10 Department of Transport to write you a letter justifying
11 the revision of the tariff that had taken place?

12 A. Yes.

13 Q. Had this ever been done in the past?

14 A. No.

15 Q. I want to pass on to the actual experience
16 of the operation of this tariff devised by the economists
17 at the time by asking you to refer to Appendix 51 of
18 the Federation's brief at page 161, where you give
19 for the year 1958, in the Montreal river, the total
20 revenue of the district and the gross earnings per
21 effective pilot, which are in that year \$1,149,159.35
22 as the gross revenue of the district, and the gross
23 earnings per pilot, \$10,261.52.

24 A. Yes.

25 Q. First of all, where do these figures
26 come from?

27 A. These are figures from the Department of
28 Transport.

29 Q. Extracted from the statistics produced
30 already before this Commission by the Department of



1 English

2 Transport?

3 A. Correct.

4 Q. Now, comparing the revenues for the
5 year 1958 with those of 1959, it turned out to be
6 \$1,530,398.12, giving an increase per effective
7 pilot from \$10,261.52 to \$13,567.36?

8 A. Yes.

9 Q. I won't ask you to do the mathematics,
10 but looking at it this is equivalent to an increase of
11 24 per cent?

12 A. Very close to 24 per cent.

13 Q. And what is your feeling on the results
14 compared with the economists' intention of increasing
15 the revenue per pilot by 6 per cent?

16 A. Well the economists' estimate was not
17 very accurate.

18 Q. I must concede that the pilots had
19 intended 9.82 per cent.

20 A. Of course, I would like to say here
21 that at that time that was one of the difficulties we
22 had, where this juggling with the tariff was designed,
23 of course, to increase the earning of the pilots; and
24 when one district went up then all the other districts
25 had to come up to that level. This was one of the
26 unsatisfactory conditions that we encountered at that
27 time.

28 Q. Anyway, the result of the revision of
29 tariff, according to the economists' recommendation
30 having been quite different from those expected at least,



1 English

2 I suppose, by these economists, if not by the pilots --
3 was there any study or revision made of the tariff
4 in order to get the revenues down to what had been
5 intended at the beginning.

6 A. Yes, the Federation made a study of that.

7 Q. But was the tariff ever revised
8 downwards ---

9 A. Oh, no.

10 Q. --- to meet the prognosis of the original
11 economists' study?

12 A. No, definitely not.

13 Q. In fact, weren't you asked for another
14 little increase in the tariff during that season?

15 A. Yes; before the end of the season we
16 were confronted directly by the pilots for an increase
17 -- for \$20.00 -- for entering the St. Lambert Lock.

18 Q. From the practical point of view was
19 there any justification for such an increase?

20 A. Not in my opinion.

21 Q. In other words, is it more difficult for
22 a ship to be piloted to the entrance of the Seaway at
23 St. Lambert by river pilot than to be piloted, say,
24 to somewhere in the upper harbour?

25 A. I wouldn't say so.

26 Q. Would you agree that the distance is
27 longer, in fact, to go to a berth in the upper harbour,
28 and more difficult because of the currents there?

29 A. Yes; the berthing may be much more
30 difficult.



1 English

2 THE CHAIRMAN: I must question your mathematics,
3 Mr. Brisset; it is not 26 per cent but 33 per cent.
4 You have ten thousand and thirteen thousand and therefore
5 you have three thousand over ten thousand so there you
6 have 30 per cent there.

7 MR. BRISSET: Well, I stand to be corrected.
8 I am glad I didn't make the mistake the other way.

9 It is 33 per cent?

10 THE CHAIRMAN: That is right.

11 MR. BRISSET: Q. I understand, Captain, if
12 I may lead you here, that this change of 20 per cent,
13 however, did not affect too much the ocean ships because
14 the ocean ship had to be anchored at Long Point for
15 inspection and that sort of thing, where a harbour
16 pilot would come on board in any event?

17 A. Yes; we opposed it more on the grounds
18 of principle than anything else. We were forced into
19 accepting it whether it was reasonable or not.

20

21 --

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1 (English)

2 Q. You quote at page 50 of your brief the
3 minutes of a meeting that took place in connection with
4 this which was presided over by the late Mr. Boyle, and
5 you refer in it to the possibility again of a strike if
6 the charge did not become effective?

7 A. That is what I was referring to in my
8 last remark.

9 Q. What do you mean by your last remark?

10 A. When I said that we opposed it
11 vigorously on principle.

12 Q. Even though there was a strike threat
13 at the time?

14 A. Yes.

15 Q. Are you personally aware of at least
16 one organization that was really incensed over this
17 additional charge and which refused to pay it?

18 A. Oh yes, the Dominion Marine absolutely
19 refused to pay it.

20 Q. And to your knowledge are they still
21 refusing to pay it even though it is in the tariff?

22 A. To the best of my knowledge they never
23 have paid it and it has not been in the tariff for the
24 domestic ships but only for the ocean ships.

25 Q. Let us proceed with the story of the
26 events in the year 1959 and come back to this meeting
27 that was held, as my learned friend pointed out, at
28 Ottawa in the office of the Deputy Minister on March
29 16th. You refer to it at page 49 of your brief,
30 Captain, in the last paragraph.



1 (English)

2 A. Page 49?

3 Q. At page 49, yes. Will you tell us
4 what attitude your delegation took before the Deputy
5 Minister and what was the latter's reaction to this
6 attitude generally? In other words, were you faced with
7 a fait accompli or was there still the possibility of
8 discussion at this stage?

9 A. No, not at that stage. There was no
10 possibility of any discussion or of solving this as far
11 as the Shipping Federation was concerned.

12 Q. I refer you now to Appendix 39 which is
13 a letter addressed by your general manager, Mr. Mearns
14 to Mr. Baldwin. Am I correct in assuming this is
15 the letter in which you recorded your reaction and
16 attitude to what had been going on at the time?

17 A. That is correct.

18 Q. I draw your attention to the third
19 paragraph of this letter in which you expressed the
20 view that the revisions of the tariff meant an increase
21 from about thirteen to over thirty per cent?

22 A. Yes.

23 Q. Had you engaged an economist to deter-
24 mine the actual increase that would result from the
25 tariff?

26 A. No. We calculated that.

27 Q. You did so yourself?

28 A. We did so ourselves, yes.

29 Q. And you did that without having to
30 resort to the advice of three independent economists?



1 (English)

2 A. That is correct.

3 Q. May I suggest, Captain, that perhaps at
4 times economists, like lawyers, take too much the side
5 of their clients?

6 MR. LALONDE: You are talking yourself out
7 of a job!

8 Q. You have spoken of the extra charge on
9 the Seaway or at least for a river pilot taking a ship
10 into the Seaway. I just want you to identify, in order
11 to complete the record, Appendix 40 to the brief which
12 is a telegram dated April 24th 1959 and addressed to the
13 Director of Marine Regulations lodging your protest
14 against this charge. Is that the telegram which you
15 sent at the time?

16 A. Yes, that is the telegram.

17 Q. That protest went unheeded, I assume?

18 A. Yes, it certainly did.

19 Q. I want to pass on to further events
20 in that year involving the tariff in effect in the
21 Montreal district and ask you to tell me whether there
22 were, after the success already obtained, further
23 requests by the pilots for additional charges?

24 A. In connection with the Montreal pilots?

25 Q. Yes, and perhaps you might refer to
26 page 51 of your brief.

27 A. Yes.

28 Q. What was the nature of the demands?

29 A. In connection with winter navigation.

30 Q. In this regard will you refer to Appendix



1 (English)

2 41 of your brief at page 115 and tell me whether this
3 was the letter sent by the pilots' counsel to the
4 Department incorporating the request for a winter
5 tariff and the reasons for it?

6 A. Yes, this is the letter from the
7 pilots' counsel to the Department in connection with a
8 tariff for winter navigation.

9 Q. In this case the request was no longer
10 directed to you or to the Shipping Federation but to the
11 Department?

12 A. That is correct.

13 Q. That, I take it, was in line with the
14 new pattern that had been set?

15 A. Yes.

16 Q. The pattern of pilots discussing or
17 negotiating tariffs with the government and no longer
18 with the shipping industry?

19 A. That is correct.

20 Q. I would like to draw your attention to
21 one statement in this letter which you quote at page 51
22 of your brief in which it is stated that the winter
23 tariff is not intended to increase the earnings of the
24 pilots but only to provide a small additional
25 remuneration for pilots who are called upon to perform
26 services under difficult winter conditions. Do you have
27 this before you?

28 A. Yes. What is the question?

29 Q. I am right in assuming that at the
30 time, contrary to what has happened here, the winter



1 (English)

2 tariff was not for purposes of safety but just to have a
3 small added remuneration?

4 A. That was the basis on which it was put
5 forward.

6 Q. Therefore it is a new concept now that
7 winter tariff is required for purposes of safety?

8 A. Yes.

9 MR. JACQUES: That argument was never urged
10 upon you before?

11 THE WITNESS: At this time when the winter
12 tariff was first proposed --

13 MR. JACQUES: It was not urged then upon
14 you?

15 THE WITNESS: No.

16 MR. JACQUES: When was it first urged upon
17 you?

18 THE WITNESS: Some time subsequently; I
19 could not say exactly when.

20 Q. Were there meetings of the local
21 pilotage committee convened in connection with the winter
22 tariff negotiations at that time?

23 A. As far as I can recollect, not with the
24 pilotage committee; it was with Mr. Cumyn and Captain
25 Jones. It was really the forerunner of interdepartment-
26 al committee meetings.

27 Q. In other words, later in the year of
28 1959 or in August or September, there was a meeting of
29 the departmental officers and this time the meeting was
30 chaired by Mr. Cumyn, the chairman of the



1 (English)

2 interdepartmental committee?

3 A. Correct.

4 Q. Did you have more than one meeting with
5 him in attendance?

6 A. Subsequently?

7 Q. Yes, in that year.

8 A. I believe we had a second meeting, yes.

9 Q. And a winter tariff, I take it, was
10 eventually adopted at that time?

11 A. Correct.

12 Q. I think you refer to it at page 52 of
13 your brief. It was put into effect by Order-in-Council
14 P.C.1959-1543 on December 3rd 1959?

15 A. Yes.

16 Q. With this change in pattern in the
17 composition of the pilotage committees, Mr. Cumyn now
18 becoming the chairman, what happened to the local
19 committees which had been discussing training, selection
20 of pilots and other problems related to strictly pilotage
21 matters?

22 A. The local pilotage committee was
23 relegated to merely disciplinary functions. All its
24 functions subsequently were in relation to disciplinary
25 matters. I may say that that was the beginning of the
26 end of the local pilotage committee meetings. This
27 meeting assumed that the department would refer
28 disciplinary matters to the local pilotage committee.

29 Q. I think you have explained that it
30 turned out that the recommendations of the committee were



1 (English)

2 not implemented and the committee died?

3 A. Yes, that is in the record, I think.

4 We were assured that whatever recommendations this
5 disciplinary committee or local pilotage committee made
6 would be implemented by the interdepartmental committee
7 in Ottawa. This was never done. Of course, we could
8 not get any reports of what progress was made in
9 connection with disciplinary measures that had been
10 recommended. Time and time again we made representations
11 to the Department. We felt when we were on these
12 committees making certain recommendations that we were
13 entitled to know what was the final outcome - as a guide
14 and for general information. We were entitled to that,
15 we felt; but we could not get this information from
16 the Department. Eventually everyone concerned - at
17 least as far as the shipping industry was concerned -
18 lost complete interest in attending these disciplinary
19 meetings.

20 Q. I do not want to go into this, Captain,
21 except perhaps to make the liaison with the next
22 witness. I take it that from then on - that is from
23 1960 - you had full meetings of the interdepartmental
24 committee that took over what the local pilotage
25 committee meetings were doing earlier?

26 A. Yes, that is correct. In previous
27 testimony I commented on the way these interdepartmental
28 meetings were conducted and their value. That is
29 already on the record.

30 Q. In other words, from 1960 on you again



1 (English)

2 entered into a new era, the interdepartmental committee
3 era?

4 A. Exactly.

5 THE CHAIRMAN: We will recess for ten
6 minutes.

7
8 On resuming at 4.00 p.m.

9 Q. Captain, you were asked some questions
10 this morning regarding the corporation system of the
11 pilots and the concern which you had yourself felt about
12 this system if it came into being, concern which you had
13 felt as early, I think, as January of 1959. I would
14 like you to develop your thoughts on this subject,
15 taking into account your own personal experience as you
16 were dealing first with the pilots and then with the
17 corporations. Will you tell this Commission what you
18 have observed over the years that you have been directly
19 involved in the development of this system as it came
20 to grow?

21 A. Of course, I was very closely related
22 with pilotage, and in the first instance as far as
23 corporations are concerned I was closely related with
24 the Montreal-Kingston district. I think in previous
25 testimony I commented about the situation of the new
26 president and the young committee which seemed to be
27 leaning towards the Masters, Mates and Pilots of the
28 United States, and Captain Johnson, who was the Vice-
29 President for the Lakes of that organization, and my
30 conversation on one or two occasions with the counsel for



1 (English)

2 the pilots in regard to this situation.

3 Q. You are referring to the St. Lawrence-
4 Kingston district, and I think it is in the record that
5 during five years the destinies of that particular
6 corporation were guided by a board of administration
7 headed by Pilot Chartier?

8 A. That is right.

9 Q. And we have heard since that Pilot
10 Chartier is looked upon as a bum, if I may use this
11 expression, by a former pilot who himself had been quite
12 close to the association of pilots then existing.

13 MR. LALONDE: I object. I know my friend
14 means this in a jocular fashion, but certainly Captain
15 Downey never said anything like that. He said, "You
16 know, a hero today, a bum tomorrow", but he never
17 implied that he considered himself a bum or anybody
18 else.

19 MR. BRISSET: Well, perhaps the expression
20 was illchosen. I meant that in some way the same
21 gentleman came into disfavour.

22 MR. LALONDE: It would be very simple just
23 to say that he was not re-elected; that is all.

24 MR. BRISSET: He was not re-elected after
25 his five years office.

26 Q. That is right, Captain Matheson?

27 A. That is right.

28 Q. You were speaking of the St. Lawrence-
29 Kingston district and I refer you to the fact that Pilot
30 Chartier was the president for five years. Can you



1 (English)

2 tell us whether you have had during his term of office
3 occasion to deal with him directly and can you tell us
4 of your observations in this regard?

5 A. Oh yes, I had numerous occasions to
6 deal with him. It is difficult for me to know just in
7 what regard you wish me to comment.

8 Q. Will you comment from your own
9 observation and experience and say what was the role
10 played by Mr. Chartier in the organization and the
11 importance of that role insofar as you could judge?

12 A. As far as I could judge, Mr. Chartier
13 ran the show there during the time he was president.
14 That is the impression I gained.

15 Q. When you say he ran the show - will you
16 be a little more specific and tell us in what way this
17 manifested itself in your dealings with him?

18 A. It manifested itself in threatening
19 to go on strike, and in some cases going on strike.

20 Q. When you say threatening to go on
21 strike, how were these threats made? I am speaking
22 of your involvement in this personally. Was that a
23 man to man discussion or were there formal meetings with
24 the corporation or its representatives?

25

26

27

28

29

30



1 English

2 A. On both occasions.

3 Q. Let us talk of occasions when you were
4 meeting only Mr. Chartier and discussing with him the
5 problems that might have arisen in his own district.
6 You had said a minute ago that he was running the show.
7 I want you to amplify this from your observations.

8 A. Well, the relationship between us was
9 not what I felt that the relationship between the
10 shipping interest and the pilot should be. He was
11 most dogmatic in submitting suggestions. They had to
12 be carried out or else.

13 Q. In making those suggestions to you how
14 was he doing it -- I mean, as the man running the show
15 or as the representative of a group of pilots?

16 A. Well, the impression I have got was that
17 he was doing it as the man running the show.

18 Q. Have you any idea from your own
19 observations as to how it was that Mr. Chartier became
20 the president of that corporation and remained in office
21 during those five years?

22 A. Well, I think I indicated that in
23 previous testimony when I explained to the Commission
24 the good relationship that existed between the previous
25 president of the St. Lawrence Kingston Pilots and
26 myself for a number of years, which situation benefited
27 the pilots and the shipping interests. I think I
28 explained previously the situation where we had to
29 deal continually with Rolly Johnson and myself
30 particularly and was successful in rejecting that



1 English

2 individual and the Masters, Mates and Pilots of the
3 United States. However, as an organization the St.
4 Lawrence Kingston Pilots could not belong to the Masters,
5 Mates and Pilots. A number of them individually
6 belonged to that organization, including Mr. Chartier.

7 MR. LALONDE: Would the witness elaborate on
8 why the organization could not belong to the I.O.M.M.P.?

9 THE WITNESS: Yes. Probably one reason was
10 that there was only about 50 per cent of them, as I
11 understand it from the information I had, that belonged
12 individually to the Masters, Mates and Pilots. Another
13 50 per cent did not belong to that organization. On
14 the other hand these pilots in that district were
15 under the jurisdiction of the Department of Transport.
16 I do not think they could possibly have joined it as a
17 group.

18 MR. BRISSET: Q. What about the other groups
19 which eventually were associated in the form of a
20 corporation instead of the Association which had in
21 previous years banded them together? What have been
22 your observations with respect to what was going on
23 in connection with the formation of the corporations
24 in other districts?

25 A. Well, broadly speaking from my own
26 contact with other districts there seemed to me to be a
27 struggle for power that did not exist previously. I
28 think I commented on this aspect in previous testimony
29 also. Somebody wanted to get control of the
30 individual groups of pilots and this made it very very



1 English

2 difficult as far as I personally am concerned for the
3 shipping interest in dealing with the pilots.

4 Q. You said this morning in connection with
5 the subject you are mentioning now that dissident pilots
6 had come to you directly or indirectly. I am not too
7 sure what you stated then. Could you amplify this
8 and tell us of your experience in this regard?

9 A. As far as one particular pilot coming
10 to me directly, this was a case where I had known this
11 pilot for a number of years. I had a very close
12 relationship with him and we worked together for a number
13 of years -- as I said previously, to the benefit of
14 the pilots and the shipping. He came to me and
15 complained about the situation that he found himself in.

16 Q. Would you be a little more specific and
17 give us the name of this pilot and the district to
18 which he belonged?

19 A. The name of the pilot -- he testified
20 before this Commission -- is Captain George Downey and
21 the district is the St. Lawrence Kingston District.

22 Q. In what manner did Captain Downey seek
23 your advice or counsel or assistance at the time he
24 did?

25 A. Well, he said that he was a member of
26 the corporation, the new corporation that was formed
27 and, after giving the situation very very careful
28 consideration, he wanted to withdraw from the corporation.
29 He had their Power of Attorney and he wanted also to
30 withdraw that and get out of the corporation. My first



1 reaction was, of course, that I could not involve the
2 Shipping Federation in a legal hassle on this ground.
3 Still though, for reasons I explained before, I was
4 very sympathetic with Captain Downey.

5 Q. What was the outcome of your discussion
6 then? By the way, did you know that at the time Pilot
7 Downey had actually resigned, or did that happen after
8 your discussion with him, that he resigned from the
9 corporation? We already have that in evidence.

10 A. He discussed the predicament he found
11 himself in with me on one or two occasions possibly
12 after. I think it was after he resigned; I am not
13 quite clear on that aspect.

14 Q. Were you informed that he had resigned
15 from the corporation?

16 A. Yes.

17 Q. Were you informed that he had been
18 sued by the corporation, the latter seeking to recover
19 the pilotage dues that he had earned and been paid by
20 the Minister of Transport following his resignation?

21 A. Yes.

22 Q. Did you counsel him or advise him or
23 assist him in connection with that suit?

24 A. Well, as I said, I was very sympathetic
25 to his case, so in the circumstances I approached one
26 of our members. This member was a member of our
27 pilotage committee.

28 I suggested to this member that this company's
29 lawyer take Captain Downey's case up and give Captain
30 Downey the financial backing that was necessary to deal



1 English

2 with the situation. At the same time I assured this
3 company that the Federation would reimburse them.

4 Q. Do you know what happened eventually in
5 the lawsuit between the corporation and Captain
6 Downey?

7 A. Yes.

8 Q. What did happen?

9 A. Well, to cut a long story short, what
10 happened was that Downey got the financial backing and
11 the legal assistance he required but he withdrew. He
12 gave up the fight.

13 Q. Passing on to another group, were you
14 also approached by other pilots who did not want to
15 fall in line with the corporation's system?

16 A. Not directly, but through our counsel,
17 as you well know, when you consulted me about a number
18 of United Montreal Pilots who asked you for guidance
19 and I suggested to you that the Federation could not
20 become involved in this situation and that you should
21 refer these to other competent legal advice.

22 Q. We have already heard in evidence from
23 Pilot Hamelin, that he had consulted the firm of
24 Lafleur and Gagnon. Were you aware that this had been
25 done?

26 A. Yes.

27 Q. And this was done after what you have just
28 described; is that correct?

29 A. That is correct.

30 Q. Do you know whether these dissident pilots



1 English

2 ever got very far in their struggle with the corporation?

3 A. No. Before they could get very far in
4 that struggle, as you put it, it would require financial
5 backing and they did not have the finances to do that,
6 I understood. In any event, of course, the corporations
7 have control of any earnings at that time that they
8 had.

9 Q. In other words the corporation had in its
10 hands the earnings of the pilots with which these
11 pilots would have been only able to fight the corporation.
12 Is that putting it fairly?

13 A. Well, I understand they did not have
14 any other means to fight.

15 Q. What about the corporation in the
16 District of Quebec? From your own observations have
17 there been any dissident pilots that have come to you
18 or your members for assistance, or at least to
19 explain their predicament or seek advice?

20 A. Not that I know of, no; not in Quebec;
21 not that I can recall.

22 Q. Are you aware that there are dissident
23 pilots in the District of Quebec?

24 A. Yes.

25 Q. But you have not been approached yourself
26 directly by them?

27 A. No.

28 Q. I want to pass on to another subject,
29 Captain, the training of apprentice pilots. I would
30 like you, taking into account your practical experience



1 English
2 in these matters, to give an outline of our own views
3 on the training of pilots in our waters particularly
4 the St. Lawrence and the Seaway system, differentiating,
5 if I may suggest to you, between river pilots and
6 harbour pilots or canal pilots.

7 Could you in your own way give us an outline
8 of what you considered to be the requirements for the
9 proper training of pilots?

10 A. Yes. We made, of course -- and I made
11 specific recommendations with regard to the training
12 system for apprentice pilots to the Department as far
13 back as 1957. This training system that I propounded
14 at that time was again discussed at the local pilotage
15 committee meetings, and that is on record now. It is
16 specifically a short term system of training that I was
17 suggesting at that time for the river pilots and a
18 long term.

19 Q. In other words you contemplate two
20 methods of training for river pilots, a short term
21 training system and a long term training system. I would
22 like you to develop the two, giving us your main thoughts
23 on each of these two systems.

24 A. Yes. I would like first to explain the
25 reason why for the river pilots I suggested a long term
26 and a short term. At this time, about 1957, we were
27 running short of pilots and I was personally very
28 concerned at the lack of training facilities there were
29 for potential apprentice pilots and in fact the
30 appointment of pilots.



1 English

2 As I understood it the number was governed
3 by the availability of those that were trained. That
4 was the only thing that was governing the appointment
5 of pilots. I felt to facilitate the situation that
6 in addition to the long term system, which I had
7 particular objection to as far as the river pilot
8 is concerned, we should also have a short term system
9 of training so that good, competent pilots would be
10 available with the increase in tonnage and the Seaway
11 coming along.

12 The short term training system that I
13 recommended at that time was specifically the training
14 system that was put into effect for the harbour pilots
15 and in fact the training system of probationary pilots
16 that had been in effect for years in the St. Lawrence
17 Kingston District. I felt that for a short term
18 system that could not be improved on.

19 That involved men who had taken up the sea
20 as a career and had advanced to chief officer and master,
21 had a certain amount of experience and were in fact
22 shipping handlers.

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1 English

2 In my opinion the basic requirements for a
3 pilot, particularly a harbour pilot, or a pilot in the
4 St. Lawrence Kingston district, where you get a lot
5 of manoeuvring, is ship handling; he must be a good
6 ship handler. That is the short term program that I
7 suggested.

8 It would involve, further, that these men,
9 when they were appointed as probationary pilots, would
10 become accustomed to other types of ships; they would
11 be piloting ships different from the type of ship they
12 were brought up in. These were specifically men
13 recruited from inland navigation ships, which is a
14 different type of ship, as you know, from the ocean
15 ship; and that was the first requirement, that these
16 men become accustomed to the new type of ship, or the
17 ocean type of ship, rather; and also that they become
18 proficient in piloting and know and be completely
19 familiar with the area in which they were piloting;
20 this being done by means of a number of trips, but
21 with other pilots in the district and having these
22 pilots recommend them as proficient and then they
23 would take the necessary pilot's examination.

24 That, specifically, was the short term system
25 that I was recommending for the river and for
26 expediency in appointing pilots where we required them.

27 COMMISSIONER SMITH: Mr. Brisset, before you
28 pass on: My Lord, I have a quotation here from the
29 Dock and Harbour Authority on the apprentice pilotage
30 system in the United Kingdom, and if Your Lordship please



1 English

2 -- it is only short -- it might be well to make it
3 part of the record.

4 THE CHAIRMAN: That is all right.

5 COMMISSIONER SMITH: This is the quote::

6 "Swansea, a non-compulsory
7 district (except for vessels carrying
8 passengers) follows the Trinity House
9 pattern and has no apprenticeship
10 system. Officers with a Foreign
11 Going Masters Certificate are
12 entered between the age of 28 and
13 35 as probationers.

14 The other large district in
15 the Bristol Channel -- Bristol,
16 Cardiff, Newport and Barry all
17 have an apprenticeship system.
18 Boys are entered at the age of
19 15 or 16 and serve four, in some
20 cases five years in the Pilot
21 Vessel, after which they obtain
22 employment in the Merchant Navy
23 until a vacancy occurs in the
24 pilot service by which time they
25 must have obtained a 1st Mate's
26 Foreign Going Certificate (for
27 Bristol) or a Master's Foreign Going
28 (Tariff and Barry), while Newport
29 also now calls for a 1st Mate's
30 Foreign Going Certificate.



1 English

2 The East Coast District --
3 Tyne, Tees, Sunderland and the
4 Humber -- adopt a form of apprentice-
5 ship usually lasting about five or
6 six years, some of which may be
7 served in the Merchant Navy. Some
8 portion of this time is devoted
9 to accompanying pilots engaged
10 on acts of pilotage -- not as
11 assistance but as pupils or
12 observers. The emphasis in the
13 East Coast District is on the
14 possession of local knowledge, and
15 qualification such as Master or
16 Mate are not regarded as essential.

17 The Clyde sets a fairly high
18 standard in recruiting from
19 officers holding a master's
20 Foreign Going Certificate who have
21 held command or who have served
22 as chief officer.

23 The total number of pilotage
24 apprentices in the whole of the
25 United Kingdom probably does not
26 exceed 180 -- but in one form or
27 another the system is responsible
28 for supplying candidates for
29 all the vacancies which occur
30 in Liverpool, Manchester, Bristol,



1 English

2 Tyne, Tees, Humber, Cariff and

3 Barry.....".

4 Would you think that that is a pretty good
5 system -- a pretty good set-up of apprenticeship,
6 Captain?

7 THE WITNESS: Well, in my opinion it depends
8 on the location and the area in which the pilot is
9 going to pilot. What I mean is that so far as the
10 river pilot is concerned the long-term system of
11 apprenticeship is satisfactory in all respects; but so
12 far as the harbour pilots, or the pilot in the area
13 such as the St. Lawrence Kingston district, where you
14 have got a considerable amount of ship handling to do,
15 that is the basic requirement -- you must be an expert
16 in handling ships, either to pilot in the harbour of
17 Montreal or in the St. Lawrence Kingston district.
18 There is no doubt about that; and in my mind you can
19 only gain that experience by ship handling; you can't
20 do it at school; the only way you can do it is by
21 experience. That is why, for the harbour and for
22 ship handling in the St. Lawrence Kingston district I
23 am confident you can't improve on the probationary
24 system that has been in effect there for years.

25 MR. BRISSET: Q. However, I gather from your
26 evidence, Captain, that in so far as river pilotage
27 is concerned the short term system which you had
28 advocated because of the conditions that existed in
29 the years 1957 to 1959, is not a system which should
30 still be applied in view of changed conditions. Am I



1 English

2 right?

3 A. No, it is not necessary -- the long term
4 apprenticeship system is satisfactory for river pilots,
5 particularly the new system that I was going to
6 describe -- the long term system -- where the young
7 pilot is, after selection ---

8 Q. Let me interrupt you. I want to make
9 your point clear that in so far as river pilotage is
10 concerned the emergency which existed in 1957-58 no
11 longer exists?

12 A. That is correct; that is my belief.

13 Q. And under the present conditions the
14 long term system of apprenticeship for river pilots
15 would have your support?

16 A. Yes, definitely.

17 Q. Will you explain to us in your own
18 words what you consider to be the requirements of the
19 long term system of apprenticeship for river pilotage?

20 A. Well, the first requirement is good
21 education -- at least matriculation; then a period of
22 time -- I would suggest two years -- at a good nautical
23 school; and they are fortunate in this country in having
24 a first class nautical school at Rimouski; and then
25 a period of time, providing the candidate is suitable
26 in all respects, not only as regards passing examinations
27 at the end of the two-year period, but in other
28 respects. Suitability so far as a pilot is concerned
29 is most important, in my opinion. Therefore, careful
30 selection of the pilot or apprentice pilot is extremely



1 English

2 important.

3 After passing the examination at the school
4 at Rimouski, or a similar nautical school, then I would
5 recommend a period of time on a ship to get a thorough
6 grounding in discipline and to appreciate the duties of
7 a master and the responsibilities of a master.

8 I would recommend some sea time on ocean
9 ships, and then a period of two or three years on the
10 river under the guidance of a river pilot.

11 Q. Now, you have mentioned, Captain, the
12 word "discipline". Would you expound on that, and
13 tell us in your opinion, how important it is for a
14 pilot, as you think, to have discipline.

15 A. Well, it is a matter of describing this
16 and explaining this. In my opinion, for a pilot to be
17 efficient he must appreciate the position of a master
18 and the responsibilities of a master; and he must adhere
19 to discipline himself, in many respects, so far as his
20 pilotage authority is concerned. It is extremely
21 important.

22 ~~Q.~~ When you say discipline in so far as
23 pilotage authority is concerned, what have you in mind?

24 A. Carrying out assignments without
25 question and being respectful to the master that he
26 serves, and being courteous to them. That is all part
27 of the benefit of a proper training -- discipline.

28 Q. When I refer -- and I want to do it
29 again -- to "discipline" in respect of the pilotage
30 authorities, you have developed this by stating accepting



1 English
2 assignments. You were speaking, I take it, of an
3 individual pilot. Now, would you consider, Captain,
4 that there must also be discipline in the sense of
5 obedience to the pilotage authority on the part of
6 pilots as a group?

7 A. Oh, of course, that would come naturally
8 as an individual in the group and from thoroughly
9 understood and appreciated discipline.

10 Q. Now, this leads me, captain, to the
11 recommendations contained in the brief of the Shipping
12 Federation, and I would like to review some of those
13 that are contained in the brief and which relate to,
14 perhaps, technical matters on which I feel that, in the
15 light of your experience, you may assist us.

16 I refer, first of all, to recommendation No. 5
17 at page 96 of the brief of the Federation, Exhibit 726.
18 It reads as follows:

19 "Recognition of the right of
20 a shipping industry to participate
21 in the selection of applicants
22 for pilotage apprenticeship or of
23 probationary pilots, and the
24 formulation of the conditions
25 of apprenticeship either on a
26 short term or a long term basis."

27 You have already said a few words about this topic, but
28 I would like you to develop this particular point of
29 the recognition, or the right of the shipping industry
30 to participate in the selection of applicants both for



English

1 apprenticeship and as probationary pilots. Why do you
2 consider that the shipping industry should be given the
3 right to so participate?

4 A. Well, let me first say that I find it
5 difficult -- the pilots have objected to the shipping
6 interests having anything to do with the selection of
7 pilots, and I find it difficult to understand why they
8 should take this position. I have previously explained
9 how important it is.

10 The shipping industry, as far as the personnel
11 on their own ships -- junior officers, senior officers,
12 masters, even apprentices that go on the ships -- they
13 are quite competent and able to select these men, and
14 they make a very, very good job of it also. Now, why,
15 in the light of that, they should not be allowed to
16 participate in the selection of pilots is something
17 which I don't understand.

18 Q. Have you, in the past -- and when I say
19 "you" I mean the shipping industry -- participated in
20 the selection of apprenticeships or pilotage material
21 in some of the districts.

22 A. Oh, yes; in the St. Lawrence Kingston
23 district with the probationary pilot; I have been
24 personally myself; and in previous testimony I referred
25 to Captain Barrett who the Federation engaged -- a high-
26 quality mariner in every respect.

27 Q. So far as the harbour in Montreal is
28 concerned, the first 12 pilots -- I think you have a
29 already stated that your assistants participated in
30 the selection of that pilotage material?



1 English

2 A. Yes.

3 Q. Have you ever had cause to regret having
4 done so?

5 A. No, we certainly haven't.

6 Q. Have the pilots given you reason to believe
7 that they had cause to regret your participation in this
8 selection at the time?

9 A. No. That is why I find it very difficult
10 to understand or comprehend their objection.

11 Q. In the Kingston district have you ever
12 regretted the selection of any particular pilot in which
13 you have participated?

14 A. No.

15 Q. Have the pilots ever complained of any
16 selection you had made in the past when you were
17 allowed to participate in the selection?

18 A. No.

19 Q. Have the pilots ever complained of the
20 rejection of a pilot whom you might have rejected?

21 A. No.

22 Q. When Captain Barrett was on the
23 examination board?

24 A. Not that I recall.

25 Q. I suppose, if you were to participate
26 in the selection of apprentices and the pilotage
27 material, you would not, after they have passed their
28 examination, explain to them the benefits of joining
29 the corporation -- of their doing so?

30 A. I would not?



1 English

2 Q. Yes?

3 A. No, I would not think that would be
4 within my jurisdiction.

5 Q. Could there be a reason, to your
6 knowledge, for the refusal of the pilots now to allow
7 you to act, or participate, in the selection of
8 applicants, that might be related to their corporation
9 system?

10 A. I think I would rather leave that. As
11 I said before, I can't understand it -- why they should
12 object to the shipping industry participating in the
13 selection of either apprentices or probationary pilots.

14 Q. I want to pass on, now, Captain, to
15 recommendation No. 6 --- Before we move on there is one
16 question I have forgotten in connection with No. 5:
17 In other jurisdictions are you aware whether or not
18 the shipping interests are entitled to participate in
19 the selection of pilotage material and apprentices?

20 A. In other areas?

21 Q. Yes; say in the United States? Are you
22 familiar with the United States system?

23 A. Not with the United States, but most
24 definitely, if not directly, then indirectly so far
25 as pilots in the United Kingdom are concerned. In
26 Glasgow, for instance, the ship owners definitely have
27 got a say in who will be a pilot and who won't be a
28 pilot.

29 Q. Glasgow?

30 A. Scotland.



1 English

2 Q. You know a little more about this for
3 what reason?

4 A. Well, that is where I come from.

5 MR. LALONDE: Where is that!

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1 (English)

2 Q. I would like to pass on to
3 recommendation No. 6. I understand this particular
4 recommendation has been studied by a subcommittee and
5 that you would prefer to leave this recommendation to be
6 dealt with by the chairman of that subcommittee?

7 A. Yes.

8 Q. Let us pass to recommendation No. 7
9 which reads:

10 "The convening of periodical or special
11 meetings at the level of the local
12 Pilotage Committee between represent-
13 atives of the pilots and of the
14 shipping industry for the purpose of
15 submitting joint recommendations to
16 the Authority for warranted changes or
17 improvements in aids to navigation in
18 waters encompassed within each of the
19 pilotage districts."

20 Have you anything to add to this recommendation?

21 A. Yes. I would support that recommend-
22 ation very ardently. In this connection I might say
23 that in regard to the local pilotage committees, whereas
24 we do not have any meetings of the local pilotage
25 committee in the River St. Lawrence area now, these
26 committees are still in effect in the Maritimes,
27 particularly Halifax, and have been all along. The
28 reason they survived in Halifax, I understand, is that
29 there was an agreement between the shipping industry and
30 pilots and the Department that these committees should



1 (English)

2 not be involved in disciplinary matters. The
3 committees considered conditions in the port and aids
4 to navigation and the Department and pilots and shipping
5 interests get together and solve their problems in a
6 proper manner. That committee is still in effect in
7 Halifax. I believe the local pilotage committees could
8 have done a lot of good in this area if they had been
9 conducted on the same basis as that on which they were
10 conducted in Halifax. As I explained before, here they
11 were relegated merely to disciplinary committees.

12 COMMISSIONER SMITH: My recollection - and
13 I might be wrong - is that in Halifax there was an act
14 passed through the legislature creating the Halifax
15 Harbour Commission, as I think it is called, which
16 worked in conjunction with the National Harbours Board
17 and was in contact with all the various waterfront
18 activities, assisting and helping in every way they
19 could not only for the development of the port but for
20 the protection of all the parties interested in the
21 waterfront operations.

22 THE WITNESS: The committee to which you
23 refer was set up but I am referring to something
24 different; it is the same local committee that was
25 formed by the interdepartmental committee in Ottawa when
26 they came into being and it is chaired by the Super-
27 intendent of Pilots in Halifax. Shipping represent-
28 atives, National Harbour Board representatives and
29 people interested in aids to navigation all attend these
30 meetings and they are held periodically, twice a month or



1 (English)

2 once a month. They work very satisfactorily.

3 Q. Captain, when you have had problems
4 during the past few years that were related solely to
5 safety of navigation or improvements in aids to
6 navigation, say in the River St. Lawrence, how have you
7 gone about transmitting your recommendations to the
8 authorities concerned? Have you in fact worked with
9 the pilots or has each group worked independently with-
10 out too much cooperation and coordination?

11 A. Well, at one time in the early '50s we
12 were actually consulted by the Department in regard to
13 improvements in aids to navigation and improvements to
14 the river in general. At that time, as I recall, the
15 Department would convene meetings, either separately
16 with the shipping interests and the pilots, or jointly,
17 but of late years the situation seems to have changed
18 in that regard and the shipping interests are more or
19 less left out of the picture. Unofficially the pilots,
20 if they have a problem, discuss with me. Last year,
21 for instance, I understand there was a number of
22 meetings convened by the St. Lawrence Seaway or some
23 branch of the Department of Transport, and the pilots
24 were involved, the Seaway was involved and attended the
25 meetings and the Harbour Board attended the meetings;
26 but the shipping interests did not know anything about
27 it. I discussed this with the pilots and of course the
28 pilots are sympathetic to our getting in there and doing
29 whatever we can to influence the Department to make
30 whatever improvements are necessary.



1 (English)

2 Q. In other words, do you feel this should
3 be a common effort on the part of both the shipping
4 interests and the pilots to see to it that recommend-
5 ations (in which, of course, both agree) are submitted?

6 A. Yes, exactly.

7 Q. Do you feel that at the present time
8 there is a lack or somewhat of a lack of coordination
9 in this regard?

10 A. Yes.

11 Q. And the purpose of your recommendation,
12 I take it, is to correct this situation?

13 A. That is correct.

14 ---The hearing was adjourned at 5 o'clock until 10
15 o'clock, Wednesday, 5th February, 1964.

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